

1 THE HONORABLE JAMAL N. WHITEHEAD
2
3
4
5
6
7
8

9 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
10

11 *In re: Amazon Return Policy Litigation*

12 Case No.: 2:23-cv-1372-JNW
13

14 **DECLARATION OF ANDREW H.
SCHAPIRO IN SUPPORT OF ABBOTT
PLAINTIFFS' MOTION FOR
APPOINTMENT OF INTERIM CO-LEAD
COUNSEL**

16
17 I, Andrew H. Schapiro, submit this declaration on behalf of Quinn Emanuel Urquhart &
18 Sullivan, LLP and hereby state under penalty of perjury as follows:

19 1. I am a partner with the law firm Quinn Emanuel Urquhart & Sullivan, LLP ("Quinn
20 Emanuel"), and I am Quinn Emanuel's lead counsel for Plaintiffs Laura Abbott, Sima Hernandez,
21 Melissa Urbancic, and Jill Cappel in the above-captioned action.

22 2. I respectfully submit this declaration in support of the motion to appoint Zigler Law
23 Group and Quinn Emanuel as Interim Co-lead Class Counsel.

24 3. Quinn Emanuel is the world's largest law firm devoted solely to business litigation,
25 with more than 1,000 lawyers across 33 offices on 4 continents. The firm has built its reputation
26 on its ability to effectively litigate high-stakes cases against the most formidable adversaries. Our
27 class action bench is deep with more than half of our partners regularly representing clients in class
28 actions. Quinn Emanuel's "both sides of the v." practice provides what I believe are unique

1 insights into both the plaintiffs' and defendants' bar, and benefits our clients no matter on which
 2 side of a dispute they find themselves.

3 4. The following are representative examples of Quinn Emanuel's success in class
 4 actions on behalf of plaintiffs: *Health Rep. Ins. Co. v. United States*, Case No. 1:16-cv-00259-
 5 KCD (U.S. Ct. Fed. Claims); *Iowa Public Employees Retirement System et al. v. Bank of America*
 6 *Corp.*, Case No. 1:17-cv-06221, (S.D.N.Y) (settlement approaching \$500 million and injunctive
 7 relief); *In re: Credit Default Swaps Antitrust Litig.*, Case No. 13-md-02476 (S.D.N.Y.) (\$1.87
 8 billion in settlements from the defendants, plus injunctive relief); *Alaska Electrical Pension Fund*
 9 *v. Bank of America N.A.*, Case No. 14-cv-7126-JMF (S.D.N.Y.) (settlements in excess of \$500
 10 million); *In re SSA Bonds Antitrust Litig.*, Case No. 1:16-cv-03711-ER (S.D.N.Y.) (settlements
 11 totaling \$95.5 million); *In Re: Commodity Exchange, Inc., Gold Futures and Options Trading*
 12 *Litig.*, Case No. 1:14-md-02548 (S.D.N.Y.) (settlements worth \$60 million); *In re Interest Rate*
 13 *Swaps Antitrust Litig.*, Case No. 16-md-02704-JPO (S.D.N.Y.) (at least \$25 million in settlements
 14 secured); *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, Case No.
 15 05-md-1720-JG (E.D.N.Y.) (successfully appealed the entry of a 2012 settlement that would have
 16 waived future claims).

17 5. The following are representative examples of Quinn Emanuel's success in class
 18 actions on behalf of defendants: *In re: German Automotive Manufacturers Antitrust Litig.*, Case
 19 No. 3:17-md-02796-CRB (N.D. Cal.) (dismissed with prejudice and affirmed by the Ninth
 20 Circuit); *In re Flash Memory Antitrust Litig.*, Case No. 4:07-cv-00086-SBA (N.D. Cal.)
 21 (successfully defeated class certification); *In re: January 2021 Short Squeeze Trading Litig.*, Case
 22 No. 21-2989-md-CMA (S.D. Fla.) (dismissed with prejudice); *Palivos et al. v. Federation*
 23 *Internationale Football Association et al.*, Case No. 2:15-cv-01721-JCM (D. Nev.) (dismissed with
 24 prejudice).

25 6. As a partner in Quinn Emanuel's class action practice, I have three decades of trial
 26 and appellate experience representing major corporations and individuals in sensitive, high-profile,
 27 and high-stakes matters. I am a former federal public defender, and I have first-chaired numerous
 28 federal jury trials, managed large litigation teams, and run class actions on both the plaintiff and

1 defense side. I am a repeat winner of The American Lawyer's "Litigator of the Week" award, and
 2 I have obtained significant victories for plaintiffs in RICO, trade-secret, and tort cases. *See, e.g.*,
 3 *Bakala v. Krupa et al.*, Case No. 9:18-cv-02590 (D. S.C.); *Faiveley Transport USA, Inc. et al v.*
 4 *Wabtec Corporation*, Case No. 1:10-cv-04062 (S.D.N.Y.). In this district, I represented the
 5 plaintiffs in a complex consumer class action against Amazon, alleging privacy violations
 6 stemming from the operation of Amazon's Alexa smart-speaker. *C.O., a minor, by and through*
 7 *her guardian Alison O'Neil, et al v. Amazon.com, Inc. and Amazon Services LLC*, Case No. 19-
 8 cv-910 (W.D. Wash.). That case and a series of related arbitrations eventually settled. I am
 9 currently lead counsel for Google in a pair of closely watched consumer privacy class actions in
 10 the Northern District of California. *See Brown et al. v. Google, LLC*, Case No. 4:20-cv-03664-
 11 YGR (N.D. Cal.); *Calhoun et al. v. Google, LLC*, Case No 4:20-cv-05146-YGR (N.D. Cal.)
 12 (currently on appeal to the Ninth Circuit following our win on summary judgment). I clerked for
 13 Supreme Court Justice Harry A. Blackmun and for Seventh Circuit Judge Richard A. Posner.

14 7. Adam B. Wolfson is a partner in Quinn Emanuel's Los Angeles office who
 15 represents both plaintiffs and defendants class actions and other complex litigation.

16 8. Mr. Wolfson is currently representing plaintiffs in several proposed consumer class
 17 actions against Amazon in the Western District of Washington, including appointment to the
 18 plaintiffs' executive committee in two of those matters. *See Christopher Brown et al v.*
 19 *Amazon.com, Inc.*, Case No. 2:22-cv-00965-JHC; *Frame-Wilson et al. v. Amazon.com, Inc.*, Case
 20 No. 2:20-cv-00424-JHC (W.D. Wash.); *De Coster et al. v. Amazon.com, Inc.*, Case No. 2:21-693-
 21 JHC (W.D. Wash.). Mr. Wolfson has also been appointed interim class counsel in a proposed
 22 class action against Valve Corporation, also filed in this district. *Wolfire Games v. Valve Corp.*,
 23 Case No. 2:21-cv-00563-JCC (W.D. Wash.). Mr. Wolfson has also served on the Executive
 24 Committee in *In re 3M Combat Arms Earplug Products Liability Litig.*, Case No. 19-md-2885
 25 (N.D. Fla.), a mass tort seeking compensation for over 250,000 former service members injured
 26 by defective earplugs 3M sold to the military.

27 9. Mr. Wolfson has played significant roles in a number of other class actions
 28 including: *Mackmin et al. v. Visa Inc. et al.*, Case No. 11-cv-01831 (D.D.C.); *Polyurethane Foam*

1 1 *Antitrust Litig.*, Case No. 10-md-02196 (N.D. Ohio); *Complete Entertainment Resources LLC v.*
 2 2 *Live Nation Entertainment, Inc. et al.*, Case No. 15-cv-09814 (C.D. Cal.); *Van Iderstine et al. v.*
 3 3 *Live Nation Entertainment, Inc. et al.*, Case No. 20-cv-03888 (C.D. Cal.); *In re German*
 4 4 *Automotive Manufacturers Antitrust Litig.*, Case No. 17-md-02796 (N.D. Cal.); *Transweb, LLC v.*
 5 5 *3M Innovative Properties Co. et al.*, No. 10-cv-04413 (D.N.J.); *SaurikIT, LLC v. Apple Inc.*, Case
 6 6 No. 20-cv-08733 (N.D. Cal.); and *Intuit Inc. et al. v. Visa Inc. et al.*, Case No. 21-cv-01234 (N.D.
 7 7 Cal.).

8 10. Mr. Wolfson has also taken class actions to final judgment with resulting huge
 9 awards, including, for example, a pair of class actions in which he and two other of our partners
 10 recovered \$5.3 billion in judgments for two certified classes of health insurers seeking recovery
 11 based on the federal government's failure to make risk corridor payments and cost-sharing
 12 reduction reimbursements under the Affordable Care Act. *Health Rep. Ins. Co.*, Case No. 1:16-
 13 cv-00259-KCD (U.S. Ct. Fed. Claims).

14 11. Justin C. Griffin is Co-Managing Partner of Quinn Emanuel's Los Angeles office
 15 who represents both plaintiffs and defendants class actions and other complex litigation.

16 12. Mr. Griffin represented tens of thousands of Amazon Alexa owners and users in
 17 federal and state court litigation and mass arbitrations against Amazon relating to the company's
 18 practice of recording the voices of Alexa users without consent, including a consumer class action
 19 in the Western District of Washington, *C.O., a minor, by and through her guardian Alison O'Neil,*
 20 *et al v. Amazon.com, Inc. and Amazon Services LLC*, Case No. 19-cv-910 (W.D. Wash.) and
 21 represented tens of thousands of DoorDash drivers in mass arbitrations relating to the company's
 22 practice of misclassifying its drivers as independent contractors rather than employees.

23 13. Mr. Griffin has played significant roles in a number of other class and mass actions
 24 including: defending a consumer class action in *Benanav et al. v. Healthy Paws Pet Insurance,*
 25 *LLC*, Case No. 20-cv-00421 (W.D. Wash.); defending a consumer class action and related case
 26 brought by the California Attorney General relating to alleged manipulation of the California
 27 gasoline market *In re California Gasoline Spot Market Antitrust Litigation*, Case No. 3:20-cv-
 28 03131 (N.D. Cal.) and *The People of the State of California v. Vitol Inc. et al.*, Case No. CGC-20-

1 584456 (S.F. Superior Court); and defending Hyundai Motor America and Kia America, Inc. in
 2 dozens of matters alleging that certain vehicles are particularly susceptible to being stolen *In re:*
 3 *Kia Hyundai Vehicle Theft Litigation*, MDL Case No. 3052 (C.D. Cal.).

4 14. Alicia Cobb is Co-Managing Partner in Quinn Emanuel's Seattle office who
 5 represents both plaintiffs and defendants class actions and other complex litigation.

6 15. Ms. Cobb is currently representing plaintiffs in several proposed consumer class
 7 actions against Amazon in the Western District of Washington, including appointment to the
 8 plaintiffs' executive committee in two of those matters. *See Brown*, Case No. 2:22-cv-00965-JHC;
 9 *Frame-Wilson*, Case No. 2:20-cv-00424-JHC (W.D. Wash.); *De Coster*, Case No. 2:21-693-JHC
 10 (W.D. Wash.). Ms. Cobb is also interim co-lead counsel on behalf of the proposed class of video
 11 game publishers in an antitrust case against Valve Corporation. *Wolfire Games v. Valve Corp.*,
 12 Case No. 2:21-cv-00563-JCC (W.D. Wash.).

13 16. Ms. Cobb has played significant roles in a number of other class actions including:
 14 working on behalf of a consumer class in *C.O., a minor, by and through her guardian Alison*
 15 *O'Neil, et al v. Amazon.com, Inc. and Amazon Services LLC*, Case No. 19-cv-910 (W.D. Wash.),
 16 and defending a consumer class action in *Benanav et al. v. Healthy Paws Pet Insurance, LLC*,
 17 Case No. 20-cv-00421 (W.D. Wash.).

18 17. Quinn Emanuel's attorneys and staff have committed significant billable time and
 19 resources to the litigation and intend to do so until its conclusion. To date, Quinn Emanuel has
 20 committed more than 123 hours in furtherance of this litigation.

21 18. I respectfully submit that Quinn Emanuel's extraordinary success in related class-
 22 action litigation on behalf of both plaintiffs and defendants, along with its demonstrated
 23 commitment to fully utilizing the talents of its diverse pool of associates and partners, makes Quinn
 24 Emanuel best-qualified to lead the Consumer Class in this case.

25 19. Attached as Exhibit A is a true and correct copy of a *Business Insider* article
 26 describing Quinn Emanuel's back-to-back selection as the "most feared" law firm in litigation.

27 20. Attached as Exhibit B is a true and correct copy of a *Law360* article reporting that
 28 Quinn Emanuel had been selected as a class action practice group of the year.

1 21. Attached as Exhibit C is a true and correct copy of a *Law.com* article reporting that
 2 Quinn Emanuel had been selected as the 2023 Litigation Department of the Year.

3 22. Attached as Exhibit D is a true and correct copy of Quinn Emanuel's class action
 4 practice group description listing notable representations.

5 23. Attached as Exhibit E is a true and correct copy of a *Reuters* article describing
 6 Quinn Emanuel's involvement in securing a \$1 billion cash settlement on behalf of class action
 7 plaintiffs.

8 24. Attached as Exhibit F is a true and correct copy of a *Law360* article listing
 9 Mr. Wolfson as an MVP in class action litigation.

10 25. Attached as Exhibit G is a true and correct copy of a *Reuters* article describing
 11 Mr. Wolfson's involvement in securing an \$8.2 million verdict for a servicemember in a
 12 bellwether case arising out of a mass tort action seeking compensation for over 250,000 former
 13 service members injured by defective earplugs 3M sold to the military.

14 26. Attached as Exhibit H is a true and correct copy of a *Reuters* article describing
 15 Ms. Cobb and Mr. Wolfson's involvement in a consumer class action case against Amazon that is
 16 currently pending before Judge Chun.

17 27. Attached to this declaration as Exhibit I is a true and correct copy of my attorney
 18 profile, as those webpages appear on the Quinn Emanuel website.

19 28. Attached to this declaration as Exhibit J is a true and correct copy of the attorney
 20 profile of Mr. Wolfson, as those webpages appear on the Quinn Emanuel website.

21 29. Attached to this declaration as Exhibit K is a true and correct copy of the attorney
 22 profile of Mr. Griffin, as those webpages appear on the Quinn Emanuel website.

23 30. Attached to this declaration as Exhibit L is a true and correct copy of the attorney
 24 profile of Ms. Cobb, as those webpages appear on the Quinn Emanuel website.

25 31. Attached to this declaration as Exhibit M is a true and correct copy of a *Law360*
 26 article reporting that three of Quinn Emanuel's consumer class action cases against Amazon in
 27 this district (*Brown*, Case No. 2:22-cv-00965-JHC (W.D. Wash.); *Frame-Wilson*, Case No. 2:20-
 28 cv-00424-JHC (W.D. Wash.); *De Coster*, Case No. 2:21-693-JHC (W.D. Wash.)) had survived

1 | dispositive motions.

2 32. Attached to this declaration as Exhibit N is a true and correct copy of a *Law360*
3 article reporting that Quinn Emanuel's class action in this district, *Wolfire Games v. Valve Corp.*,
4 Case No. 2:21-cv-00563-JCC (W.D. Wash.), had survived a dispositive motion.

I declare under penalty of perjury that the foregoing is true and correct.

6 Executed this November 27, 2023, at Chicago, Illinois.

Al H. Selig

Andrew H. Schapiro

EXHIBIT A

≡ INSIDER

MARKETS
INSIDER

My Watchlist

<https://markets.businessinsider.com/mymarkets?originurl=/news/stocks/quinn-emmanuel-again-named-most-feared-firm-in-the-world>

Search markets

originurl=/news/stocks/quinn-emmanuel-again-named-most-feared-firm-in-the-world

PRE-MARKET FUTURES ([HTTPS://MARKETS.BUSINESSINSIDER.COM/PREMARKET](https://markets.businessinsider.com/premarket))**S&P 500 FUTURES****-0.40%** 4,192.75[er.com/futures/dow-futures](https://markets.businessinsider.com/futures/dow-futures)[\(https://markets.businessinsider.com/futures/s&p-500-futures\)](https://markets.businessinsider.com/futures/s&p-500-futures)

1032685541

NASDAQ 100 FUTURES**-0.67%** 14,381.75[\(https://markets.businessinsider.com/futures/nasdaq-100-fut\)](https://markets.businessinsider.com/futures/nasdaq-100-fut)

HOME (/) > N... > STOCK N... > QUINN EMANUEL AGAIN NAMED 'MOST FEARED' FIRM IN THE WORL...

QUINN EMANUEL AGAIN NAMED 'MOST FEARED' FIRM IN THE WORLD

PRESS RELEASE PR Newswire (/author/pr-newswire)

Oct. 6, 2023, 03:30 PM

In back-to-back years and for the fourth time in five years, Quinn Emanuel has been named the number one most feared law firm for litigation by BTI Consulting Group.

LOS ANGELES, Oct. 6, 2023 /PRNewswire/ -- Quinn Emanuel, once again has been named the number one 'most feared' law firm in BTI Consulting Group's annual "Most Feared Law Firms in Litigation" guide. This is the fourth time in the last five years that Quinn Emanuel has earned this coveted spot atop BTI Consulting Group's 'Fearsome Foursome' and the tenth year in which Quinn Emanuel has been named to the foursome list.



(https://mma.prnewswire.com/media/2240824/BTI_Litigation_Fearsome_Foursom

Quinn Emanuel once again named the 'most feared' law firm by BTI Consulting Group

"This is the fourth time Quinn Emanuel has been selected as the "Most Feared" law firm in the world and we are extremely proud of this distinction. In our line of work, fear is a virtue and translates to respect. Clients want lawyers who will find a way to win and that is what Quinn Emanuel lawyers do." – Michael Carlinsky

BTI gathered a list of the country's most feared law firms based on more than 280 in-depth interviews with legal decision-makers conducted between March 2023 and September 2023. In this year's report, leading legal decision-makers pointed to 62 firms as opponents they are afraid to encounter, with Quinn Emanuel leading the pack.

Quinn Emanuel is a 1000+ lawyer business litigation firm—the largest in the world devoted solely to business litigation and arbitration with 31 global office locations. Surveys of major companies around the world have named it the "most feared" law firm in the world three times. Firm lawyers have tried over 2,500 cases, winning 86% of them. When representing defendants, Quinn Emanuel's trial experience gets better settlements or defense verdicts. When

representing plaintiffs, Quinn Emanuel lawyers have won nearly \$80 billion in judgments and settlements. Quinn Emanuel has also obtained seven nine-figure jury verdicts, four 10-figure jury verdicts, 51 nine-figure settlements, and 20 10-figure settlements.

Quinn Emanuel has been named the No. 1 "most feared" law firm by The BTI Consulting Group three times in its annual "Most Feared Law Firms in Litigation" guide, in which in-house counsel named 46 firms they "want to steer clear of" when it comes to litigation. The American Lawyer named Quinn Emanuel the top IP litigation firm in the U.S. and the firm as one of the top six commercial litigation firms in the country. The UK legal periodical, The Lawyer named us "International Firm of the Year." Law360 has most recently selected us as having Banking, Class Action, International Arbitration, and Trials "Practice Groups of the Year." Managing IP twice recognized us as having the "Best ITC Litigation Practice" and honored us with the "Patent Contentious West" award. Legal Business has named us "US Law Firm of the Year" three times, and our German offices have twice been named both "IP Litigation Firm of the Year" and "Patent Litigation Firm of the Year" by JUVE, Germany's most prestigious legal publication. Global Investigations Review, a leading legal periodical covering global white-collar investigations, named us the "Most Impressive Investigations Practice of the Year." Global Arbitration Review named us the 3rd best arbitration practice in the world. Global Competition Review named our antitrust and competition practice among the "25 Global Elite," and number three in their list of the world's top 10 competition litigation practices.



(https://mma.prnewswire.com/media/2240825/Quinn_Emanuel_Urquhart_Sullivan)

View original content to download multimedia:
<https://www.prnewswire.com/news-releases/quinn-emmanuel-again-named-most-feared-firm-in-the-world-301949859.html>
<https://www.prnewswire.com/news-releases/quinn-emmanuel-again-named-most-feared-firm-in-the-world-301949859.html>

SOURCE Quinn Emanuel Urquhart & Sullivan, LLP

Markets Insider and Business Insider Editorial Teams were not involved in the creation of this post.

Sponsored Financial Content

(<https://thechaikinreport.com/50-year-wall-street-veteran-move-your-money-now/>)

Wall Street Quietly Changes 2024 Stock Outlook

JP Morgan, Bank of America, and Goldman Sachs all quietly changed their outlook for 2024. Here's what's coming.

| Sponsored (https://popup.taboola.com/en/?template=colorbox&utm_source=businessinsider-marketinsider&
(<https://thechaikinreport.com/50-year-wall-street-veteran-move-your-money-now/>)
(<https://cos-rd.com/18/12473>)

American Shoppers Should Think Twice Before Buying from These 2 Stores

It's a bigger problem than you might think (the ugly truth)

| Sponsored (https://popup.taboola.com/en/?template=colorbox&utm_source=businessinsider-marketinsider&
(<https://cos-rd.com/18/12473>)

(<https://markets.businessinsider.com/news/stocks/apple-stock-split-price-what-that-means-how-many-shares-2020-7-1029455711>)

Apple just announced its 5th stock split in history. Here's what that means - and how many shares you'd have if yo...

Apple on Thursday announced its fifth stock split in its history, as the iPhone maker's stock price marched to the \$400 level. Apple said a stoc...

Markets Insider

(<https://markets.businessinsider.com/news/stocks/apple-stock-split-price-what-that-means-how-many-shares-2020-7-1029455711>)

(<https://r.principal.is/route>)

Medicare Is Now Offering Monthly Grocery Benefit Allowance For Seniors In These Zip Codes

| Sponsored (https://popup.taboola.com/en/?template=colorbox&utm_source=businessinsider-marketinsider&
(<https://r.principal.is/route>)

Search Now

Seniors Over 50: You Can Get Up To \$50,000 Life Insurance Policy for As Low As Only \$13/month

| Sponsored (https://popup.taboola.com/en/?template=colorbox&utm_source=businessinsider-marketinsider&
(<https://r.principal.is/route>)

(<https://trck.tracking505.com/76574d88-5f1e-4857-b982-cca8e781a7ae>)

New Apartments Coming to New York (Take A Look at The...

| Sponsored (https://popup.taboola.com/en/?template=colorbox&utm_source=businessinsider-marketinsider&
(<https://trck.tracking505.com/76574d88-5f1e-4857-b982-cca8e781a7ae>)

(<https://markets.businessinsider.com/currencies/news/warren-buffett-12-predictions-bitcoin-table-tennis-death-2019-4-1028123943?amp>)

Warren Buffett's 12 predictions: bitcoin, table tennis, his own death

Markets Insider

(<https://markets.businessinsider.com/currencies/news/warren-buffett-12-predictions-bitcoin-table-tennis-death-2019-4-1028123943?amp>)
(<https://markets.businessinsider.com/news/stocks/big-short-michael-burry-sell-stock-market-outlook-inflation-recession-2023-2>)

'Big Short' legend Michael Burry issues a grave warning to investors with a one-word tweet: 'Sell.'

Markets Insider

(<https://markets.businessinsider.com/news/stocks/big-short-michael-burry-sell-stock-market-outlook-inflation-recession-2023-2>)

Your Market View

| NAME | PRICE | +/- | % | DATE |
|-----------------------------|--------|-------|-------|------------------------|
| ▲ TSLA (/stocks/tsla-stock) | 209.89 | -2.53 | -1.19 | 10/26/2023 08:54:30 AM |
| ▲ AAPL (/stocks/aapl-stock) | 170.61 | -0.49 | -0.29 | 10/26/2023 08:54:29 AM |
| ▲ MSFT (/stocks/msft-stock) | 340.45 | -0.22 | -0.06 | 10/26/2023 08:54:26 AM |
| ▲ NFLX (/stocks/nflx-stock) | 409.64 | -1.61 | -0.39 | 10/26/2023 08:54:26 AM |
| ▲ SPOT (/stocks/spot-stock) | 159.68 | -2.26 | -1.40 | 10/26/2023 08:51:43 AM |



[referral&utm_content=right-rail-thumbnails-1x5:MarketsInsider-Right Rail:\)](#)
[referral&utm_content=right-rail-thumbnails-1x5:MarketsInsider-Right Rail:\)](#)
Sponsored Financial Content

(<https://cos-rd.com/18/12471>)

No More Free Returns? Amazon Releases New Fees

Online Shopping Tools

(<https://cos-rd.com/18/12471>)

(<https://thechaikinreport.com/wall-street-legend-who-called-the-priceline-collapse-in-2012-the-2020-crash-and-the-2022-bear-market-issues-a-dire-warning-for-americas-favorite-a-i-stocks/>)

50-Year Wall Street Legend Issues New Nvidia Warning

Chaikin Analytics

(<https://thechaikinreport.com/wall-street-legend-who-called-the-priceline-collapse-in-2012-the-2020-crash-and-the-2022-bear-market-issues-a-dire-warning-for-americas-favorite-a-i-stocks/>)

(<https://articles.smartasset.com/vanguard-vs-fidelity-vs-schwab/>)

Vanguard vs. Fidelity vs. Schwab

SmartAsset

[Learn More](#)

(https://trc.taboola.com/businessinsider-marketinsider/log/3/click?pi=%2Fnews%2Fstocks%2Fquinn-emmanuel-again-named-most-feared-firm-in-the-world-1032685541&ri=c0ba902fed24edcb2d9216d740deb708&sd=v2_b0b29774a4aab2b16fb8c18427583372_f75c253f-8680-4083-a8b8-0f0fd7cabf7-tuctc29fcbe_1698325003_1698325003_CAw0j-NAGKP2u-C2MSABKAMw4QE4kQOONWmD0jZiNcNDUPUDWABgUjWkOqRw7GC-sMBcAE&ui=f75c253f-8680-4d83-a8b8-0f0fd7cabf7-tuctc29fcbe&it=text&i=~~Vt~~-8926468449781070947~~yW8Va7rh_7hoyoGgDoi4VUoGHRFsUwLLu-TrI7B3ZLnoZueAsrnM0UTkqRiz-o8uV9GNaet_FWxUAZ9PPPsFwc07D3okkTYhwxKmN9Z4ppL73o7WZARNbM4xkXoyZjOaj1fLLEJsTrmcYL4JBwjqToJo9n8JEt2m&sig=13c06490f46804441708f48f436f424842799293509&redir=https%3A%2F%2Farticles.smartasset.com%2Fvanguard-vs-fidelity-vs-schwab%2F%3Futm_source%3Dttaboola%26utm_campaign%3Dtab_falc_content_vanfidsschwab_desktop_max_conversions_%marketinsider%26utm_content%3D3817829275&vi=1698325003043&p=smartassettier2

ONLINE EDITION | DOCUMENTED | MOST FEARED FIRM IN THE WORLD | Markets Insider

sc=&rl=56&tv=48-10638&tv50=10882<i=deflated&ppb=CK4B&cpb=EhlyMDIzMTAyNi03LVJFTEVBU0UYsRlg3ZY1KhjaC50YW.

C2MQ&cta=true)

(<https://articles.smartasset.com/vanguard-vs-fidelity-vs-schwab/>)

(<https://activebeat.com/your-health/senior/senior-living-options-for-active-seniors/>)

These New York Senior Apartments Are Basically Free (See Prices)

ActiveBeat

[Learn More](#)

(<https://trc.taboola.com/businessinsider-marketinsider/log/3/click?pi=%2Fnews%2Fstocks%2Fquinn-emmanuel-again-named-most-feared-firm-in-the-world-1032685541&rl=56&tv=48-10638&tv50=10882<i=deflated&ppb=CK4B&cpb=EhlyMDIzMTAyNi03LVJFTEVBU0UYsRlg3ZY1KhjaC50YW.>

1032685541&rl=56&tv=48-10638&tv50=10882<i=deflated&ppb=CK4B&cpb=EhlyMDIzMTAyNi03LVJFTEVBU0UYsRlg3ZY1KhjaC50YW. C2MQ&cta=true)

4083-a8b8-0f0fd7cabf7-tuctc29fcbe_1698325003_CAwOj-NAGKP2u-

C2MSABKAMw4QE4kaQOQNWmD0jZnCDUPUDWABgUjWkOqRw7GC-sMBcAE&ui=f75c253f-8680-4d83-a8b8-

0f0fd7cabf7-tuctc29fcbe<i=text&li=~V1~~-73866453998/6988594~~3AWJUBxYyyPloH9C4EdV8f9wwUl_s1h2RsYDWti-

10asplXktycoP2VDqevYl5nYC_D1tfvIE3k0r1-QRwZTc0BYtLLAGb-

QkwghWdxQnixPx2eQCYKdsfUGiCQ3Hu_TYngZ3flkOCP71_kNsEc1Z_zcbixnbk0JPozAnyCILBgAGAUs3zGBTHHK_JrkPrvZi

xWy0bBRYIaE3iK7ebMf8nQ4vZ9kk8x75rLruODcc_oBDOOwfGf-SLOEzwjXJH8fpVxLnFknv4&pt=text&li=box-

t2m&sig=53dc0c78602e457fa2d21c85c45fd89ae1291d23fd&redir=https%3A%2F%2Factivebeat.com%2Fyour-

health%2Fsenior%2Fsenior-living-options-for-active-seniors%2F%3Futm_campaign%3Drsoc-ab-taboola-senior-living-hm-

RON-

edge%26imp%3D50009%26utm_source%3Dtaboola%26campaign_id%3D23280760%26utm_content%3D3695609738%26aci

Epn7as6J6ssJmyiDQFchOw071cMNP_h_1a2yDPyFwogOfz7vhpuPPAQ&vi=1698325003043&p=educationmarketplaces-rsoc-

activebeat-

sc=&rl=56&tv=48-10638&tv50=10882<i=deflated&ppb=CK4B&cpb=EhlyMDIzMTAyNi03LVJFTEVBU0UYsRlg3ZY1KhjaC50YW.

C2MQ&cta=true)

(<https://activebeat.com/your-health/senior/senior-living-options-for-active-seniors/>)

Find News

NEWS (/NEWS) >

Search Text

GO

(<https://www.firebaseio.com/marketsinsider.json>)

(<https://markets.businessinsider.com/>)

See also:

(www.businessinsider.com) (www.businessinsider.com)

Indices(/indices)

Dow Jones(/index/dow_jones)

S&P 500(/index/s&p_500)

Nasdaq 100(/index/nasdaq_100)

Commodities(/commodities)

Gold Price(/commodities/gold-price)

Oil Price(/commodities/oil-price?type=wti)

Silver Price(/commodities/silver-price)

Currencies(/currencies)

EURO DOLLAR(/currencies/eur-usd)

Bitcoin Price(/currencies/btc-usd)

ETH USD(/currencies/eth-usd)

Stocks(/stocks)

Google Stock(/stocks/goog-stock)

Meta Stock(/stocks/meta-stock)

Amazon Stock(/stocks/amzn-stock)

[+ See more](#) - Explore more categories

*© 2023 (<https://www.insider-inc.com/terms/>) Insider Inc. and [finanzen.net](https://www.finanzen.net/impressum) (<https://www.finanzen.net/impressum>) GmbH (Imprint). All rights reserved. Registration on or use of this site constitutes acceptance of our Terms of Service (<https://www.insider-inc.com/terms/>) and Privacy Policy. (<https://www.insider-inc.com/privacy-policy>)

[Disclaimer](#) (<https://www.insider-inc.com/disclaimer>) | [Accessibility Statement](#) (<https://www.insider-inc.com/accessibility>)

| [Commerce Policy](#) (<https://www.insider-inc.com/commerce-on-insider-inc/>) | [Advertising Policies](#) (<https://www.insider-inc.com/advertising-policies>)

| [Made in NYC](#) (<https://nytm.org/made>) | [Stock quotes by finanzen.net](#) (<http://www.finanzen.net/>)

[Contact Us](#) (<https://www.businessinsider.com/contact>) | [Masthead](#) (<https://www.businessinsider.com/masthead>)

EXHIBIT B



Portfolio Media. Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Class Action Practice Group of the Year: Quinn Emanuel

By **Greg Ryan**

Law360, New York (January 30, 2013, 7:06 PM EST) -- Quinn Emanuel Urquhart & Sullivan LLP secured major class action victories in 2012 on behalf of both plaintiffs, in antitrust litigation against the nation's largest railroad companies, and defendants, in a data disclosure suit against IBM Corp., making the firm's team one of Law360's Class Action Practice Groups of the Year.

The suit against IBM centered on the company's loss of nine server drives containing data it managed on behalf of Health Net of California Inc. The drives contained the personal and health information of more than 800,000 California residents. A group of plaintiffs sued the two companies on behalf of a proposed class of current and former Health Net members who were notified that their information was on the missing servers.

The stakes were high for IBM: plaintiffs were seeking roughly \$2 billion in damages for the loss of the data, according to Quinn Emanuel. They sued IBM under the Confidentiality of Medical Information Act, a law that states a company is subject to penalties for the "improper use and disclosure of medical information" without specifying whether an injury must have occurred as a result of the loss of data.

A California federal judge ruled in January 2012 that the plaintiffs lacked standing because they failed to claim they suffered an injury in fact, saying the danger posed by the loss of data was "wholly conjectural and hypothetical." As Quinn Emanuel had argued in its dismissal motion, the data was lost, and there was no indication it was stolen, the judge said. She dismissed the case entirely.

"We made the very common-sense argument that the consequences of the damages would be disproportionate unless there were instances of people actually being injured by breaches," said Shon Morgan, chair of the firm's national class action practice group.

Quinn Emanuel's victory on the plaintiffs' side of the courtroom came on behalf of a class of direct purchasers suing railroad giants Union Pacific Railroad Co., BNSF Railway Co., CSX Transportation Inc. and Norfolk Southern Railway Co. in multidistrict litigation in Washington. The direct purchasers, which included Olin Corp., claim the railroad companies fixed shipping prices through an arbitrary fuel surcharge and refused to compete against one another.

The litigation is one of the largest pending antitrust cases in the U.S., according to the firm.

Quinn Emanuel sought to win the certification of a class of purchasers allegedly hit with the surcharge when they bought rail freight transportation from one of the four companies from July 1, 2003, to Dec. 31, 2008. The matter hinged on whether the court believed questions of law and fact common to the proposed class members predominated over questions pertaining to the members as individuals.

The railroad companies contended that evaluating the impact of the alleged conspiracy on the class members would necessitate an analysis specific to each plaintiff. But a judge certified the class and named Quinn Emanuel as co-lead class counsel in June. The plaintiffs had shown they could prove their Sherman Act claim through evidence common to the entire class at trial, he said.

The firm's representation of both plaintiffs and defendants in class actions gives it an advantage over its adversaries, according to Morgan.

"Being on both sides of the 'v,' as we say, you get perspective on what the other side is thinking," he said.

Most of Quinn Emanuel's class action work is in defense of companies, according to Morgan. Hyundai Motor America enlisted the firm to defend it in class actions stemming from the revelation in November that it had overstated car fuel economy estimates. The firm also represents The Coca-Cola Co. and Colgate-Palmolive Co. in consumer actions and Barnes & Noble Inc. in a wage and overtime action. It is defending Charles Schwab & Co. Inc. and Seiko Epson Corp. in cases on appeal to the Ninth Circuit.

More than half of the firm's partners are regularly involved in class actions.

"We don't have formal practice groups, so there are lots of people who have done lots of different kinds of cases," Morgan said. "There are lots of people with substantial experience in different areas they can bring to bear."

Quinn Emanuel has U.S. offices in Los Angeles, New York, San Francisco, Silicon Valley, Chicago and Washington, but its spread is wider than that. The firm is representing companies in class action in 30 states, Morgan estimated.

"We get hired constantly all over the country, in all aspects of our firm's work, but particularly in class action. Geography seems irrelevant," Morgan said.

--Additional reporting by Stewart Bishop. Editing by Eydie Cubarrubia.

All Content © 2003-2023, Portfolio Media, Inc.

EXHIBIT C



Page Printed From:

<https://www.law.com/americanlawyer/2023/11/16/ready-to-fight-ready-to-win-quinn-emmanuel-awarded-litigation-department-of-the-year/>



NOT FOR REPRINT

PROFILE

Ready to Fight, Ready to Win: Quinn Emanuel Awarded Litigation Department of the Year

Quinn Emanuel Urquhart & Sullivan's litigation 'bravura' rises above the rest, earning it The American Lawyer's top honors in our Litigation Departments of the Year contest.

November 16, 2023 at 12:52 PM

Litigation

Sarah Tincher-Numbers
Editor



At Quinn Emanuel Urquhart & Sullivan, the last two years have been marked by a slew of impressive litigation feats across numerous legal arenas. But if you ask them, that's nothing but standard procedure for the largest litigation-only firm in the Am Law 100.

"We're known as a firm that tries a lot of cases," says name partner John Quinn. "Typically we have at least one case in trial, and often more than one case in trial somewhere in the world every single day of the week. So, we're known as a firm that actually goes into courtrooms and tries cases to arbitrators, to juries, to judges."

'Feats of Trial Bravura'

For lawyers at Quinn Emanuel, 2023 started with a bang in the form of an "astonishing" set of back-to-back defense verdicts for Elon Musk and Tesla.

"These were cases that many people said couldn't be won," says name partner Kathleen Sullivan, who worked on both cases.

At the end of 2022, a Quinn Emanuel team led by partners Alex Spiro, Andrew Rossman and Bill Price was retained to take over Musk's defense in a putative class action lawsuit over a tweet Musk sent in August 2018 announcing a potential deal to take Tesla private at \$420 a share: "Funding secured."

The odds were stacked against them from the beginning. U.S. District Senior Judge Edward Chen of the Northern District of California had already granted summary judgment on the class action that Musk "recklessly" made false representations about taking Tesla private, with plaintiffs claiming \$12 billion in investor losses as a result of the tweet.

But, after less than three hours of deliberations, a federal jury in San Francisco in February found Musk and Tesla weren't liable for investor losses in the wake of the tweets.

According to global co-managing partner Bill Burck, this case exemplifies the way Quinn Emanuel operates in the courtroom.

Case 2:23-cv-01372-JNW Document 47 Filed 11/27/23 Page 21 of 114

"We are a firm that really believes that trials are where you find the truth, and Alex Spiro is a kind of disciple of that view. And because he believes trials are where you find the truth, he doesn't really like to prepare the witness about every single thing he's going to ask," Burck says, recalling a particular moment from the trial.

"We call Elon Musk to the stand, and Alex does his direct, and he asks him, 'What was your childhood like in South Africa?' It took Elon Musk totally by surprise. He just became very quiet, and he said, 'Not good.' And Alex moved on. He didn't dwell on it," Burck recalls. "That was a moment where Elon Musk, arguably the world's richest man, was humanized for the jury. And it took a master trial lawyer to figure out that that's something he could accomplish at that moment."

Just a few weeks later, it was time for Quinn Emanuel to defend Tesla in a racial discrimination case before the Northern District of California.

The firm was initially brought on to defend Tesla in post-trial motions and appeal in October 2021, just days after Owen Diaz, a former contract worker at the Tesla factory in Fremont, California, had won a \$137 million verdict over racial discrimination and harassment. After Sullivan made the case to U.S. District Judge William Orrick III to lower the award, Orrick found that the damages figure was "excessive," giving Diaz the option of accepting \$15 million or retrying the damages portion of the case. Diaz in June 2022 opted for a new trial on damages, turning to a trial team led by Spiro and partner Asher Griffin.

"We came in, as we often do, after a disastrous verdict that another firm has suffered for our clients," says Sullivan.

After a five-day trial and about a day of deliberations, jurors in April awarded Diaz just 2.3% of the earlier award—\$175,000 for economic losses and \$3 million in punitive damages.

"Basically, it was like 'Groundhog Day,'" Sullivan recalls. "The evidence was all the same, and no new witnesses could be called, but the trial team succeeded in impeaching the case that had been put on a first trial. And the damages came back at 98% lower than in the first trial.

"Those were two astonishing feats of just trial bravura," Sullivan says of the Musk and Tesla cases. "And not just courtroom skill, but the ability of our teams to prepare the witnesses, to game out all of the legal and appellate angles that you need, both in the trial court and to preserve things on appeal."

Expansive Portfolio

In addition to the Tesla cases, and numerous other litigation feats, Quinn Emanuel managed to nail down a \$1.84 billion settlement for Ambac with Bank of America five weeks into a jury trial, convinced a jury to acquit iTalk Global CEO Jie Zhao in the "Varsity Blues" prosecutions, won an intellectual property case for The Broad Institute against several universities before the U.S. Patent Trial and Appeal Board over its entitlement to foundational patents on a revolutionary genome editing breakthrough, and stopped 3M from halting the largest multidistrict litigation in U.S. history via bankruptcy, paving the way for hundreds of thousands of lawsuits to move forward on behalf of U.S. service members who claim the company's combat arms earplugs were defective and led to hearing damage.

Sullivan notes that the 3M litigation, in particular, is a prime example of what she says "illustrates something very important about our firm, which is that we devote a lot of resources to cases that we think are righteous cases. We have a lot of very big dollar-value cases, and then we have some cases we pursue partly because we are quite sure it's the right thing to do."

The firm is also currently acting on behalf of Ukraine in inter-state proceedings against the Russian Federation before the European Court of Human Rights.

Beyond the outcome of the trial itself, Quinn says, "Perhaps the more important function is making sure that the

historical account of what transpired here, the atrocities that were committed in Ukraine by Russians, are documented and there's a historical record of it."

'Unmatched'

While some might argue that a litigation-only model is risky, the firm remains confident in its focus, using its reputation to build a stellar portfolio of clients across the globe as it continues to build a world-class firm of expert trial and appellate lawyers worldwide.

"When clients hire us, they're hiring us because we've got a tremendous amount of experience and a skill set that really is unmatched in almost all the areas of litigation that are out there," Burck says. "You don't hire Quinn Emanuel to send the message that we're going to settle this case, you hire Quinn Emanuel because you're going to fight. And the goal is to win."

"I think that helps us a lot, being litigation-only, because we don't have anybody else that looks like us," Burck adds.

And that doesn't just apply to attracting clients. According to name partner John Quinn, "It's all about the talent."

"We've made it a deliberate project to try to know the best talent everywhere. And when we find somebody who you have a lot of respect for in the marketplace ... we're not bashful about reaching out to them and recruiting them," Quinn says. "The other side of that, of course, is trying to recruit the best and brightest out of the best law schools around the world."

Looking ahead, the firm is showing no signs of slowing down its global growth trajectory anytime soon. As Quinn puts it: "The Quinn Emanuel project continues." The firm, which recently extended its operations to Abu Dhabi, in October announced plans to open in Singapore.

THE AMERICAN LAWYER

The American Lawyer provides the most informed and trusted source of news, data, analysis and forecasting on the global business of law.



NEWS

[Latest stories](#)

SURVEYS & RANKINGS

[AM Law 100](#)

[AM Law 200](#)

[Diversity Scorecard](#)

[The A List](#)

[Pro Bono Report](#)

SPECIAL PACKAGES

[Special Reports](#)

[Supplements](#)

AMERICAN LAWYER

[Current Issue](#)

[Sitemap](#)

NOT FOR REPRINT

EXHIBIT D

Class Action Litigation

[Sign Up for Publications](#)

OVERVIEW

REPRESENTATIONS

PARTNERS

NEWS

Major companies regularly turn to us to defend and prosecute class actions throughout the United States. Our partners have defended more than 1000 of them.

No hold-ups: According to *The Lawyer* 2017, Quinn Emanuel is the country's top business trial firm which significantly contributes to our outstanding results in class actions. Our lawyers have the respect of courts and opposing counsel, and our willingness to try even the most difficult case tells opposing counsel litigating against us will not be business as usual. Among other benefits, this means the plaintiffs' bar knows it cannot rely on the inevitable strike-suit settlement.

Experienced lawyers: Our class action bench is deep. More than half our partners regularly represent clients in class actions. We have extensive knowledge of the procedural and litigation dynamics unique to class actions, as well as expertise in the underlying substantive areas of the law. We also have established productive working relationships with the plaintiffs' class action bar, which pay dividends in terms of limiting discovery and other litigation disputes, as well as at the settlement table.

We have represented clients in class actions in virtually every discipline and dozens of jurisdictions. Our expertise includes:

Antitrust

Consumer Fraud

Data Privacy & Security

False Advertising

Financial Markets

Product Liability

RICO Claims

Securities Fraud

Toxic Tort

Unfair Competition

Wage-and-Hour Claims

Our class action experience spans almost every major industry, including high-tech electronics, banking and financial services, oil and gas, entertainment, telecommunications, medical services, defense contracting, insurance, toy and game manufacturing, and sharing economy companies. Our lawyers have litigated class actions involving everything from computer hardware to Formula One racing, home-equity loans to bullet-proof vests, and credit cards to fuel economy.

Exit strategies: We know a class action can quickly become a tool for litigation extortion. Effective defense requires early identification of our client's optimal exit strategy. We are particularly proud of our track record resolving class actions at modest expense to our clients—whether through an outright win or a sensible business-savvy settlement. In several instances, we have persuaded plaintiffs' counsel to drop cases altogether after providing informal discovery. We have resolved other cases on very favorable terms through mediation before any discovery or certification proceedings. And we have a strong track record getting cases dismissed on early motions.

We also represent plaintiffs: We are equally effective prosecuting class actions. We have achieved excellent results—including ten-figure recoveries—on behalf of plaintiffs alleging a variety of state and federal class claims including antitrust violations, RICO, and unfair business practices. Because we work both sides of the class action aisle, we thoroughly understand the strategic decisions that inform winning strategies.

The significance, size, complexity, diversity, and number of our class action representations led *Law360* to select Quinn Emanuel as a “Class Action Practice Group of the Year” in 2015, one of only five selected from among nearly 550 nominations. We describe below class actions we defended or prosecuted.

READ LESS

Recent Representations

Antitrust

We represent a plaintiff class of FX platform customers against an FX trading platform company (Currenex) and certain market makers (State Street, Goldman Sachs, and HC Technologies). Plaintiffs allege that Currenex conspired to give superpriority privileges to the market makers, ensuring that their orders were unfairly prioritized over normal customers, resulting damages to other users of the Currenex platform. On May 19, 2023, the Court largely denied Defendants' motion to dismiss the case—leaving intact Plaintiffs' core claims including based on theories of fraud, antitrust, and RICO violations.

We represent a proposed class of 46 million consumers seeking damages in the amount of at least £14 billion from Mastercard, arising from its unlawful anticompetitive interchange fees.

Quinn Emanuel is co-lead counsel in an antitrust class action against major banks that act as re-marketing agents of “VRDOs”—variable rate, tax-exempt bonds. The complaint alleges that, rather than re-market the bonds at the lowest possible rate, the banks acted jointly to keep rates artificially high. The complaint was based on an independent investigation led by Quinn Emanuel, which resulted in confidential facts learned from industry insiders and economic analyses showing that VRDO rates were inflated. In June 2022, Judge Jesse Furman of the Southern District of New York upheld the antitrust claims in their entirety, and the parties are now briefing class certification issues.

Quinn Emanuel represents several public and private pension and investment funds as co-lead counsel on behalf of the class who entered into stock loan transactions with six major banks that serve as prime brokers of stock loans. Plaintiffs allege that the six defendants conspired to overcharge investors and wrongfully control the \$1.7 trillion stock loan market, obstructing competition that would benefit both stock lenders and borrowers. In August 2018, Judge Katherine Polk Failla denied the defendants' motions to dismiss in their entirety. On June 30, 2022, Magistrate Judge Sarah Cave recommended certification of the proposed class.

We recovered settlements of over \$150 million as co-lead counsel for a class of investors, including numerous hedge funds, related to alleged manipulation of the benchmark price for gold known as the “London Gold Fix.” This massive class action in the Southern District of New York was brought against a group of banks for their involvement in manipulating the gold market. The Defendants were Deutsche Bank, HSBC, The Bank of Nova Scotia, Barclays Bank plc, HSBC Bank plc, Société Générale SA, and UBS.

We obtained settlements of over \$500 million against the defendants in our ISDAfix case, which concerned the rigging of a financial benchmark used to determine the settlement value of certain financial derivatives. The case was brought

on behalf of investors such as insurance companies, pension funds, hedge funds, and other sophisticated actors. Quinn Emanuel built the case from the ground-up after noticing anomalies in the data, before the government even acted. The successful settlement and then certification of the class was the result of years of dogged, groundbreaking work. We had to find traders explicitly admitting they were interested in manipulating the benchmark. We then had to match that admission to an actual trade by the right person, at the right time, in the right direction. We then had to demonstrate we could show that those acts damaged class members, some of whom may have only traded hours or even days later. The Court said that this was the “the most complicated case” he ever faced, and that he could “not really imagine” how much more complicated “it would have been if I didn’t have counsel who had done as admirable a job in briefing it and arguing it as” we did.

Quinn Emanuel filed an antitrust class action in the Southern District of New York, alleging a wide-ranging anticompetitive and fraudulent scheme on one of the largest foreign exchange platforms, **Currenex**. Our firm built the claims from scratch after an extensive pre-complaint investigation, and our case eventually attracted XTX Markets Limited, one of the world’s largest FX traders, to join us as a named Plaintiff. Our operative complaint alleges that in operating its FX trading platform, Currenex conspired to give superpriority privileges to certain market makers, including State Street (Currenex’s parent company), Goldman Sachs, HC Technologies, and John Doe Defendants. These privileges ensured that the market makers’ orders were matched ahead of others regardless of when the orders were submitted, resulting in increased spreads, reduced competition, and potentially billions of dollars of damages to other users of the Currenex exchange.

We represented **Samsung** in two price-fixing class actions, brought by direct and indirect purchasers of NAND flash memory. Although classes had been certified in similar cases in the same district, we successfully defeated class certification in both actions, causing the direct purchaser representative to agree to voluntary dismissal.

We obtained an important victory in the U.S. Supreme Court on behalf of a **plaintiff class of consumers** challenging price-fixing of ATM access fees by Visa, MasterCard, and the big banks. The Supreme Court had previously granted the defendants’ petition for certiorari from a D.C. Circuit decision upholding the complaint on a motion to dismiss. After we filed our merits brief as co-lead counsel for the plaintiffs, the Supreme Court dismissed the defendants’ petition as improvidently granted, finding that the defendants’ arguments were inconsistent with the question on which the Court had originally granted certiorari. This effectively upholds the D.C. Circuit decision in our favor.

We represented **FIFA** in an antitrust class action in which plaintiffs alleged that FIFA and its co-defendants engaged in a conspiracy to force individuals who wished to attend the 2014 World Cup, the world’s most elite soccer event, to purchase costlier hospitality packages instead of face-value tickets in order to drive up profits. Hundreds of millions of dollars was at stake. In less than a year, we got this action dismissed for lack of subject matter jurisdiction.

As court-appointed co-lead counsel for direct purchaser plaintiffs in *In re Flexible Polyurethane Foam Antitrust Litigation* (N.D. Ohio), we won certification of a **national class of direct purchasers of polyurethane foam**, defeated the defendants’ effort to have the certification decision reversed on appeal, and defeated those same defendants’ motions for summary judgment. As a result of this representation, we achieved \$430 million in settlements for the class from nine different defendants.

We represented **DIRECTV** in two separate consumer class actions in which the plaintiffs sued DIRECTV, the NBA, and the NHL, alleging various antitrust violations, including vertical and horizontal price fixing, monopolization, and illegal restraint of trade, arising from the sale and distribution of DIRECTV’s NBA League Pass and DIRECTV’s NHL Center Ice Programming Packages. The Southern District of California dismissed all claims with prejudice.

We defended **IBM** in a series of federal class action antitrust claims related to the market for Static Random Access Memory.

We represent **JBS USA**, one of the largest meat producers in the U.S., in two significant antitrust MDLs proceeding in the District of Minnesota. Specifically, we are defending JBS USA in multiple cases alleging that pork packers conspired to limit the supply of hogs and pork and thereby raise pork prices in the United States. In 2019, the Court dismissed the complaints with leave to amend, but then largely denied the second round of motions to dismiss in 2020. Quinn Emanuel then negotiated favorable “ice-breaker” settlements with all three proposed classes, which were significantly more favorable than the other settlements that the class plaintiffs later reached with a different defendant. We are continuing to defend JBS in the lawsuits filed by direct action plaintiffs, including major retail chains that purchased pork from the Defendants.

We are also defending various JBS companies in a separate MDL alleging that beef packers conspired to limit the slaughter of beef, thereby raising prices in the United States. In 2020, the Court dismissed the complaints with leave to amend. In 2021, the Court denied the second round of motions to dismiss the federal antitrust claims but granted the motions to dismiss certain state law claims. Quinn Emanuel then negotiated a favorable “ice-breaker” settlement with

the direct purchaser class. We are continuing to defend JBS in the remaining class actions and against lawsuits filed by direct action plaintiffs.

We represented **JBL Professional**, a subsidiary of Harman Professional, in a putative class action alleging conspiracy and antitrust violations of the Sherman Act based on allegations that JBL conspired with numerous other defendants to unlawfully exclude the plaintiff, a small music equipment manufacturer, from the market to help a larger supplier. Following motions to dismiss, plaintiff agreed to settle the case on terms favorable to our client.

We represent plaintiff **Somerset Industries, Inc.** in an antitrust class action brought by direct purchasers of eggs and egg products, alleging a nationwide price-fixing scheme by major egg producers and processors. Plaintiffs have asserted federal antitrust claims under the Sherman Act.

We acted as co-lead counsel for plaintiffs in a class action antitrust case against Comdata Corporation, the largest provider of payment cards for truck fleets to purchase fuel and other services in connection with the long-haul transportation of freight. We obtained a \$130 million settlement and prospective relief on behalf of a plaintiff class of **independent truck stops** that compete with national chains in selling fuel to trucking companies. The lawsuit was brought under Sections 1 and 2 of the Sherman Act and challenged exclusionary conduct by Comdata that enhanced and perpetuated its monopoly position.

We achieved a \$1.8 billion settlement in an antitrust lawsuit against over ten major financial institutions regarding their monopolization of the **credit default swaps market**.

We have been appointed lead counsel, progressed past motion to dismiss, and secured settlements worth \$60 million in *In re: Commodity Exchange, Inc., Gold Futures and Options Trading Litigation*, an antitrust class action alleging manipulation of the "London PM Gold Fix" and thereby, the price of gold derivatives worldwide.

RICO Violations

We represented **Trafigura**, one of the world's largest commodity trading companies, in a major class action lawsuit alleging that Puerto Rico's government-owned power utility, the Puerto Rico Electric Power Authority (PREPA), and some of the world's largest oil suppliers perpetuated a massive fuel oil fraud. The lawsuit, which was filed in U.S. District Court in Puerto Rico, alleges that officials at PREPA accepted bribes and kickbacks from fuel oil suppliers in exchange for PREPA's agreement to accept and pay for millions of barrels of fuel oil that did not meet contract specifications. The complaint further alleges that the defendants conspired with a number of laboratories in order to falsify test results and fraudulently certify the fuel oil as compliant. Plaintiffs are seeking billions in compensatory and punitive damages. We obtained a full dismissal at the pleading stage, saving our client from costly litigation and bringing its liability to zero.

We represented **DIRECTV** in a notable victory when the Ninth Circuit Court of Appeals affirmed the dismissal of all claims asserted against DIRECTV in a RICO class action lawsuit. The unanimous opinion established that the *Noerr-Pennington* doctrine protects pre-litigation demand letters, even those that allegedly constitute extortion, mail fraud or other RICO predicate acts.

We represented a **leading mutual fund client** and two of its executives in the defense of federal class action claims seeking treble and punitive damages under RICO. The claims maintained that investments by mutual funds in the publicly-traded stock of allegedly illegal gambling businesses amounted to RICO violations. We persuaded the federal district court to dismiss the action with prejudice on an initial motion to dismiss and obtained affirmance of the dismissal by the Second Circuit.

We represent insurer, **National General Insurance Co.**, in thirteen putative class actions which have been consolidated into a MDL in the Central District of California. The consolidated class action complaint seeks treble damages under RICO and asserts various fraud, unjust enrichment, and state statutory claims contending that hundreds of thousands of Wells Fargo auto loan borrowers were improperly charged for collateral protection insurance they did not need.

Consumer Fraud/Unfair Practices

We represented **Suffolk University** in a putative class action brought by students demanding refunds of tuition and fees as a result of the university's transition to remote instruction in response to the global COVID-19 pandemic and related government directives. After obtaining a denial of plaintiffs' motion to certify a class, we then successfully obtained a denial of plaintiffs' petition before the First Circuit to appeal the denial of certification. In a decisive victory for our client, the case has been administratively closed and the matter, even if reopened, cannot proceed as a class action. Significantly, the district Court reasoned that, in light of the Rule 23(b)(3) superiority requirement, "this Court simply cannot conclude that class action treatment is either 'superior' or more just than the available alternatives." This

provides a crucial precedent for other universities facing similar tuition and refund putative class actions, hundreds of which have been filed nationwide.

We represented the **University of Rhode Island** in a putative class action brought by students demanding refunds of tuition and fees as a result of URI's transition to remote instruction in response to the global COVID-19 pandemic and related government directives. After obtaining the dismissal of plaintiffs' claims with respect to tuition, we then successfully dispatched with their remaining claims for student fee refunds on summary judgment. In a complete victory for our client, the Court has entered judgment for URI.

We obtained a decisive victory on behalf of Johnson & Wales University, **the University of Rhode Island**, and **Roger Williams University** in COVID-19 refund class actions, defeating all of plaintiffs' claims for tuition refunds. The District Court of Rhode Island granted our motion to dismiss in substantial part, dismissing breach of contract claims for tuition refunds, as well as all claims for unjust enrichment, conversion, and money had and received asserted against our clients, substantially narrowing the claims which may otherwise have posed an existential threat to many universities. The court permitted only a modest sliver of plaintiffs' claims to proceed—"breach of contract claims for fee payments" to universities, which constitute a fraction of the dollar amount at stake.

We achieved a total victory for our client, **Express Scripts**, in defeating a putative ERISA class action. The plaintiffs alleged that Express Scripts and other pharmacy benefit managers (PBMs) had caused hundreds of thousands of individuals to pay too much for the prescription drug EpiPen because of the rebates Express Scripts and other PBMs negotiated with the drug manufacturer, Mylan. We won a complete denial of class certification from the federal district court in Minnesota in August 2020. When the plaintiffs petitioned for an appeal, we persuaded the U.S. Court of Appeals for the Eighth Circuit to deny the petition in near-record time. Afterwards, we reached a favorable settlement with plaintiffs, who voluntarily dismissed their claims with prejudice.

We represented the **Official Committee of Consumer Creditors in the chapter 11 bankruptcy of Ditech Holding Corporation**. As part of the representation, we objected to the Debtors' chapter 11 plan, which sought to sell their mortgage businesses for over \$1.8 billion, because it did not sufficiently protect the rights of consumer borrowers. After a two-day contested confirmation hearing and several weeks of deliberations, the Court issued a 132-page opinion denying the Debtors' plan, holding that it did not satisfy the bankruptcy law's requirements when it came to our constituency. See *In re Ditech Holding Corporation*, Case No. 19-10412 (JLG), 2019 WL 4073378, (Bankr. S.D.N.Y. 2019). After the ruling, Quinn Emanuel negotiated a favorable settlement, incorporated in an amended chapter 11 plan ultimately approved by the Court, ensuring significant recoveries and providing for historically unprecedented protections for consumer borrowers in connection with the sale, including the appointment of a Consumer Representative to reconcile consumer claims, the preservation of borrowers' recoupment rights and defenses, and an affirmative obligation for the Debtors and purchasers of the businesses to correct any borrower accounts that were misstated or otherwise incorrect.

Quinn Emanuel achieved a significant victory for its client **Hyundai** by successfully petitioning the Ninth Circuit en banc to overturn an unfavorable ruling by the initial panel. Quinn Emanuel represented Hyundai in multi-district class action litigation that was resolved at the district court through a class settlement. After a Ninth Circuit panel issued a decision overturning the district court's approval of the class settlement, we successfully petitioned the Ninth Circuit for rehearing en banc. The en banc court affirmed the district court's approval of the settlement allowing the nationwide resolution to move forward.

QE successfully defended **Mattel, Inc.** in Section 17200 and consumer fraud class action suit filed in Madison County, Illinois -- an unprecedented result in what has been described by the U.S. Chamber of Commerce as the nation's class action "hell hole." Plaintiffs had sought upwards of \$200 million in profits disgorgement, along with injunctive relief prohibiting certain BARBIE marketing practices and forcing public disclosure of Mattel's proprietary information. As a result of class decertification, and with a summary judgment motion pending, plaintiffs settled for nominal amount.

We also successfully defended **Mattel, Inc.** in another, separate putative class action filed in Madison County, Illinois. In this suit, plaintiffs challenged as unfair and unlawful certain marketing practices concerning TYCO products. QE defeated class certification, and the case was dismissed.

QE represented **Hyundai Motor America, Inc.** and a number of Virginia-based Hyundai dealerships in an appeal in three consumer class and mass actions arising from facts relating to the Environmental Protection Agency's imposition of civil fines on Hyundai for asserted Clean Air Act violations involving the method used to calculate vehicle mileage estimates for Elantra model years for 2011-2013. The district court had dismissed all but one claim based on pleading deficiencies, preemption principles, and failure to exhaust procedural prerequisites to suit. On appeal, QE obtained a written decision affirming that order in full. The appeal panel dismissed one of the three cases on jurisdictional grounds. As to the remaining two, it held that plaintiffs had waived their objection to the ruling that the complaints failed to meet the

pleading-sufficiency requirements of Twombly and Iqbal by failing to challenge that basis for dismissal in their brief. Further, the panel held that the district court permissibly declined to grant leave to amend the pleadings, given plaintiffs' repeated failures to amend the complaint or to state how they would cure their pleading deficiencies if granted leave again.

We defended **Colgate Palmolive** in a series of class actions in New Hampshire federal court that contended Softsoap Antibacterial Hand Soap efficacy claims are false and misleading. The suits also contended Colgate implicitly represents that Softsoap Antibacterial Hand Soap provides benefits over soap without antibacterial qualities. With the cases approaching the class certification stage, Quinn Emanuel negotiated an injunctive relief settlement that involved no compensation to the massive purported class that was seeking potentially a billion dollars in damages.

Despite billions of dollars of exposure and seven years of litigation, we ended multi-district class actions attacking the health benefits claims of a key **Coca-Cola** brand, vitaminwater®, without any compensation to class members. The stakes were particularly high because plaintiffs sought an injunction that would force a change of the well-established vitaminwater® brand name. These actions were initially consolidated in the Eastern District of New York but were then remanded to their original jurisdictions for purposes of ruling on class certification. Quinn Emanuel defeated class certification in the lead case as to all claims for monetary relief. Following this significant certification denial win, the other previously-consolidated actions were settled for injunctive relief only.

We represented **Uber Technologies, Inc.** in a case involving allegedly unauthorized transportation service under New Mexico State law. We defeated plaintiffs' request for a preliminary injunction and secured a dismissal of plaintiffs' claim on a pleading motion.

We represented **Pfizer Inc.** in a class action challenging the efficacy of its highly successful antidepressant, Zoloft. Plaintiff claimed she had taken the medication for three years but it had not worked. She sought the return of all monies paid by everyone in California who had taken Zoloft since it was approved in 1991. On August 29, 2014, Judge Lucy Koh of the Northern District of California granted Pfizer's motion to dismiss with prejudice.

We took over representation of **Barnes & Noble** in a class action alleging that the bookseller had breached contracts and engaged in consumer deception when it took orders for 250,000 Hewlett Packard TouchPads during a few hours on August 12, 2011 and then was unable to deliver them. The prior firm that handled the case for more than three years had obtained a series of bad rulings against Barnes & Noble. Within six months, we reversed the direction of the case, developed significant new facts, and obtained a dismissal with prejudice from plaintiff.

We represented **HotChalk**, a provider of administrative services for online educational institutions in a consumer class action brought by two former students of an online university, both of whom received Master's Degrees in Education. Despite the fact that they had matriculated and obtained degrees, which they were using to advance their professional careers, plaintiffs claimed that they, and every member of their putative class, should be refunded their full tuition because HotChalk allegedly had cold-called them, and had failed to reveal its role in the online university. They alleged claims under the Arizona Consumer Protection Act and the Arizona Consumer Fraud Act. The Northern District of California granted our motion to dismiss, giving plaintiffs leave to amend. After plaintiffs filed their amended complaint, we filed a renewed motion to dismiss. Just days before the hearing, plaintiffs offered to settle the case and ultimately gave HotChalk a dismissal with prejudice in return for \$35,000.

We represented **ADT Security Services** in a national class action challenging a variety of the provisions in ADT's customer contracts. ADT faced hundreds of millions of dollars in total exposure. After winning substantial victories at summary judgment and a ruling that plaintiffs forfeited the right to move for class certification, we settled plaintiffs' individual claims for a nominal sum.

We obtained a complete victory for **IBM**, which had been named as a defendant in a series of state and federal class actions arising out of the loss of nine data tapes belonging to IBM's client, Health Net, Inc. Based on a California statute, known as the Confidentiality of Medical Information Act, which was alleged to allow certain damages without proof of injury, plaintiffs sought approximately \$2 billion in damages. After the cases were consolidated in the Eastern District of California, Quinn Emanuel filed a motion to dismiss the consolidated cases on standing grounds. During the months that the motion was pending, Quinn Emanuel also staved off discovery by convincing the court that requiring IBM to engage in discovery before its motion to dismiss was decided would be a miscarriage of justice.

We represented **Sprint Nextel** in numerous consumer class and representative actions. Allegations ran the gamut of consumer claims, including inadequate disclosures, unlawful fees, and unlawful business practices under various federal and/or state laws around the country. We repeatedly defeated class certification, obtained summary adjudication, and obtained numerous dismissals for nominal consideration after litigation revealed the defects in plaintiffs' class claims. Most recently, we defended our client against a series of litigations around the country pertaining to early termination

fees in term contracts. In one of the very few class actions to actually proceed to a jury trial, we obtained a jury verdict in favor of Sprint against consumers seeking more than \$220 million.

We represented **Toyota Motor Sales USA, Inc.** in two separate putative class actions alleging that Scion xBs and Toyota FJ Cruisers suffered from defects that caused their windshields to have a dangerous propensity to crack under circumstances that would not cause non-defective windshields to crack. Plaintiff alleged causes of action for, *inter alia*, violation of California's Unfair Competition Law and the California Consumer Legal Remedies Act, and breach of express warranty. We obtained favorable settlements in both cases, with the FJ settlement following an outright dismissal of the class allegations through early dispositive motions. We also previously represented Toyota Motor Corporation in a national class action in federal court alleging various false advertising, product liability and unfair competition claims involving allegedly defective Lexus vehicles, and obtained, by early dispositive motions, an outright dismissal.

We secured two significant wins for **Epson America** and **Seiko Epson Corporation** in a class action alleging a variety of unfair consumer practices under California's Unfair Competition Law and Consumer Legal Remedies Act. Quinn Emanuel whittled plaintiffs' case down to claims based on only two theories. First, plaintiffs contended Epson wrongfully failed to inform consumers that its products were somehow "less efficient" than other manufacturers' printers. Quinn Emanuel successfully obtained a summary judgment ruling rejecting this novel theory. Plaintiffs' second theory, based on a purportedly misleading affirmative description of a product feature, was defeated at class certification. The firm won unanimous affirmances by the Ninth Circuit of both decisions.

We represented **Electronic Arts** in two consumer class action cases in the Northern District of California, involving claims under California's Consumer Legal Remedies Act, California's Unfair Competition Law, and the Copyright Act relating to DRM (digital rights management) technology in the video game maker's products. The cases were resolved at a very early stage with no monetary relief to the class.

We represented **Harley-Davidson** in a putative class action arising from the loss of a laptop computer containing customers' personal information, alleging negligence, breach of warranty, breach of contract, unjust enrichment, fraud and negligent misrepresentation, *prima facie* tort and violations of New York false-advertising and deceptive-practices statutes. The Southern District of New York granted our motion to dismiss all claims.

We represented **Intuit** in three separate class actions alleging various contract and tort theories, as well as claims of unfair competition under various California consumer protection statutes (including the Consumer Legal Remedies Act and Unfair Competition Law) relating to Intuit's decision to impose a discontinuation ("sunsetting") policy on older versions of its best-selling Quicken and QuickBooks product lines. Before class certification, we filed motions to dismiss based largely on defenses arising under California common law defenses and Intuit's end-user license agreements. The court dismissed all claims with prejudice.

We represented **DIRECTV**, obtaining a grant of certiorari from the United States Supreme Court on the propriety of class-wide arbitration under the Federal Arbitration Act, reversing the California Court of Appeal. On remand from the United States Supreme Court, the California Court of Appeal held for the first time in a published decision that whether an arbitration agreement governed by the FAA permits class-wide arbitration must be determined by the arbitrator, not the courts, reversing long-standing decisions under California law.

On behalf of our client **Washington Mutual Insurance Services**, we defeated class certification in a purported 23-state consumer class action.

On behalf of our client **Time, Inc.**, we obtained summary judgment in a nationwide class action challenging an allegedly fraudulent magazine promotion.

We represented **Mitsubishi Corporation** in nationwide class action involving allegations of unfair competition and fraud arising from the sale and marketing of high-definition television sets. We successfully moved for summary judgment, resulting in dismissal of all claims.

We represented **Associated Materials, Inc.** and **Gentek Building Products** in a series of nine class actions claiming their steel siding products had failed and asserting claims for breach of warranty and associated claims. The cases were consolidated in the Northern District of We successfully staved off formal discovery in the early stages of the case and eventually invited the many plaintiffs' firms to participate in a relatively early mediation. We conducted the mediation after limited informal discovery and without any depositions being taken. The mediation resulted in a modest settlement which principally consisted of our clients making some adjustments to their warranty program. Our clients did not put money into a common fund or otherwise make monetary payments to the class members.

We represented a **national wireless service provider** in a nationwide class action alleging violations of consumer credit statutes. Plaintiffs sought more than \$1.5 billion in damages. After we defeated plaintiffs' motion for class certification, the case quickly settled for a nominal sum.

We represented a **waste disposal and recycling company** in a California class action brought by all customers in a Southern California city, seeking more than \$30 million in damages. Our demurrer was sustained without leave to amend.

We represented a **class of nearly 3,000 restaurants and restaurateurs** that charged Reward Network with usury and unfair business practices. After two and a half years of hard-fought litigation, we obtained a settlement of \$64 million for the class members.

Product Liability/Personal Injury

We obtained a complete appellate victory for **Southern California Gas Co.** ("SoCalGas") in one of the year's most-watched business cases in the California Supreme Court. In a unanimous decision, the court reaffirmed that California follows the economic loss rule, which holds that plaintiffs may not recover in negligence for purely economic losses caused by harm to third parties. The decision required dismissal of actions against SoCalGas for indirect economic harms to local businesses allegedly suffered when local residents relocated temporarily after a gas leak. The decision clarifies California tort law and eliminates the potential threat of billions of dollars in liability against California businesses for purely economic harm in mass disaster cases.

Quinn Emanuel represents the **University of Southern California** in more than 50 individual and class action lawsuits in state and federal courts arising from allegations that Dr. George Tyndall, a former gynecologist in the student health center, engaged in misconduct while examining student patients. The litigation involves more than 500 plaintiffs and approximately 16,000 putative class members. In October 2018, we negotiated a settlement in principle of the federal class actions for \$215 million, subject to court approval. The remaining litigation is ongoing.

We represented **Vintage Pharmaceuticals LLC** and related entities in products liability litigation over propoxyphene, a prescription pain medication that the FDA requested be withdrawn from the market in 2010. We were instrumental in obtaining an en banc ruling by the Ninth Circuit holding that a petition to coordinate some 1,700 claims in California state court gave rise to removal under the "mass action" provisions of the Class Action Fairness Act, in a decision that will shape the future course of all pharmaceutical products liability litigation in California and elsewhere.

We served as lead counsel to **Chartis** in the multi-district litigation and several related class actions involving thousands of claims related to defective Chinese manufactured drywall, as well as in litigation seeking compensation from the Chinese and German manufacturers of the defective products.

We represented **The Home Depot** in a consumer class action and defeated a request for a preliminary injunction and class certification in a federal court action seeking to enjoin The Home Depot from nationwide sales of an allegedly dangerous consumer product.

We represented major real estate developers, including **KB Home, Dell Webb** and others, in numerous construction defect class actions and actions seeking recovery for personal injuries allegedly caused by defects or mold and related injuries.

We represented **San Diego Gas & Electric Company** and its ultimate parent, **Sempra Energy**, in litigation arising from the October 2007 San Diego wildfires, including two putative class actions each potentially including as many as 500,000 San Diego County residents and seeking billions of dollars in damages. After convincing the trial court to deny class certification in both cases, we obtained two unanimous decisions affirming the trial court from the California Court of Appeal.

Securities/Financial Litigation

The firm obtained a complete appellate victory in the U.S. Court of Appeals for the Second Circuit for our clients **Mickey Gooch** and **Colin Heffron**, former Chairman and CEO of interdealer broker GFI Group. In a unanimous decision, the Second Circuit affirmed the district court's summary judgment ruling dismissing a Rule 10b-5 securities fraud case against our clients. The court held that no reasonable investor would have relied, in making an investment decision, on the general statement in a press release that a proposed deal represented "a singular and unique opportunity to return value." The decision brought a decisive end to a long-running case against our clients, and reaffirmed that "vague and indefinite expressions of corporate enthusiasm" are no basis for securities fraud class actions.

We successfully represented **E*TRADE Financial Corporation and E*TRADE Securities LLC**, along with the former and current CEOs of E*TRADE Financial, in obtaining the dismissal of a putative class action bringing claims under Sections 10(b) and 20(a) of the Securities and Exchange Act and having that dismissal affirmed by the Court of Appeals for the Second Circuit. The action challenged E*TRADE's order routing practices, and alleged that E*TRADE earned tens of millions of dollars in "Payment for Order Flow" by prioritizing its receipt of rebates over the quality of execution

provided to its customers, thereby violating E*TRADE's duty of best execution. The Court granted our motion to dismiss all claims against all defendants on January 22, 2018. On October 26, 2018, the Second Circuit affirmed dismissal in a summary order. The dismissal and affirmance were significant because two of E*TRADE's competitors (Charles Schwab and Ameritrade) failed to secure dismissal of nearly identical suits brought by the same plaintiffs' counsel, and one of those two cases (Ameritrade) has since been certified as a class action.

We have been appointed lead counsel in *In Re: Chicago Board Options Exchange Volatility Index Manipulation Antitrust Litigation*, a class action involving claims against CBOE and unknown trader defendants under Section 19(b) of the Securities Exchange Act, and alleging manipulation of the multi-billion dollar market for volatility derivatives.

We represented **Charles Schwab & Co.** and its related entities in two class actions related to two popular mutual funds that suffered substantial losses during the credit crisis of 2007-2008. Plaintiffs claimed Schwab violated a broad variety of state and federal securities and unfair competition statutes, and also alleged common law claims. We filed motions to dismiss the class actions and achieved dismissals with prejudice in both actions.

We represented several **Charles Schwab-related entities and individuals** in a shareholder derivative suit and securities class action related to the Schwab YieldPlus Fund. Pursuant to the recommendation of a special litigation committee, we moved for, and obtained, dismissal of the derivative and class action claims on summary judgment. The judgment was affirmed on appeal.

We successfully defeated class certification in an action claiming **East West Bank** aided and abetted fraud and breach of fiduciary duty by a bank customer.

We represented the lead defendant and former director of **Peregrine Systems, Inc.** in defending against claims by putative classes of federal plaintiffs, two state-court lawsuits by groups of investors, and claims by the Peregrine Litigation Trust, which sought more than \$2 billion from Peregrine's directors, officers, and others, arising from the company's \$500 million financial restatement. We obtained summary judgment in one state-court action and dismissals with prejudice in two other cases, leading to a favorable settlement of all federal class claims.

We represented **Terayon Communications Systems** and its various officers and directors in the defense of several shareholder class and derivative actions. Retained only shortly before trial, we successfully resolved the matters after summary judgment argument and expert discovery.

We obtained the dismissal with prejudice of a nationwide class action against **Chartis Insurance Group** brought by investors in Bernard Madoff's Ponzi scheme who demanded their insurers compensate them for their loss of fictitious profits.

We represented **AOL Time Warner** in the Homestore.com securities class action alleging financial statement fraud. All claims were dismissed and the dismissal was affirmed on appeal.

We have represented numerous corporations, directors, and officers in securities class actions and shareholder derivative litigation alleging improper revenue recognition, stock option backdating, or other forms of accounting fraud, obtaining complete dismissals for several clients, including **GE Capital**; the chairman and founder of **E-Universe**; the chairman and founder of **Ariba, Inc.**, and **PricewaterhouseCoopers**.

We represented **Hughes Electronics** in securities litigation arising from the failed Hughes-Echostar merger; all claims were dismissed and the dismissal was affirmed on appeal.

We represented **VeriSign, Inc.** in a suit brought by a leading securities class-action plaintiffs' firm alleging violations of Section 10(b) and 20(a) of the Exchange Act. Specifically, plaintiff alleged that VeriSign misrepresented the likelihood that the Department of Commerce would approve the renewal of VeriSign's key contract with the Internet Corporation for Assigned Names and Numbers (ICANN), and that VeriSign made certain false financial projections. We went on the offensive by filing an immediate motion to dismiss prior to appointment of lead plaintiff and by challenging plaintiff's use of investigators to interview VeriSign's former employees. Within a matter of months, we persuaded plaintiff to abandon the case and voluntarily dismiss its claims with prejudice.

We represented **Pitney Bowes Inc. and two of its officers** in the District of Connecticut in a securities fraud class action alleging misstatements and omissions relating to the company's third-quarter and full-year 2012 revenue and earnings projections. We obtained dismissal of all claims, with prejudice, after taking over the case from previous counsel.

We represented a major investment bank in the *In re AIG Securities Litigation*, and forced the plaintiffs to withdraw a multi-billion dollar securities class action upon threat of our motion to dismiss.

We represented a global specialty rice company in a case brought by a putative class of investors alleging violations of the Securities and Exchange Acts. The investors' claims were based on unfounded allegations in short-seller reports that the company had filed fraudulent financial statements with the U.S. Securities and Exchange Commission and committed

other corporate malfeasance. We obtained dismissal without prejudice of the investors' second amended complaint with leave to amend and, when the investors failed to meet the deadline to amend, complete dismissal of the case for failure to prosecute and failure to comply with a court order.

We represented two affiliates of **Elliott Management** in a \$300 million-plus shareholder class action in New Jersey state court arising from the 2006 take-private merger of Metrologic Instruments. Elliott was a minority shareholder in Metrologic at the time of the merger and rolled over its stake in the company to the post-merger entity. Plaintiffs alleged that Elliott (among other defendants) breached fiduciary duties that it purportedly owed to plaintiffs. Quinn Emanuel took over the case from prior counsel after New Jersey's Appellate Division reversed the trial court's dismissal of Elliott from the case on summary judgment. Within a few months we (i) successfully moved to strike plaintiffs' jury demand; (ii) identified an alternative path to summary judgment and quickly filed a renewed motion for summary judgment; and (iii) moved to reopen expert discovery to enable us to supplement the expert record before trial. Shortly thereafter, we reached a settlement on very favorable terms.

Wage and Hour

We have been appointed co-lead interim class counsel on behalf of a class of engineers and other skilled workers in a class action alleging a "no poach" conspiracy among several aerospace firms designed to depress the wages of their workers. The action is pending in the District of Connecticut. The defendants are Raytheon Technologies subsidiary Pratt & Whitney, QuEST Global Services-NA Inc., Belcan Engineering Group, Agilis Engineering Inc., Cyient Inc. Parametric Solutions Inc., and several individual defendants.

We assumed representation of **Wedbush** in a wage class action in Orange County Superior Court in which a class was certified against the company. Shortly after being retained, we persuaded the court to allow the company to assert a new primary defense. Summary judgment motions involving the new defense are pending.

We represent **Day & Zimmerman** and its subsidiary **SOC LLC** in an employment class action brought by former employees who worked as armed guards in Iraq under SOC's contract with the Department of Defense. Quinn Emanuel has defended against class counsel's claims that the guards' schedule working in a war zone exceeded the expectations they had when they signed up.

We currently represent **iQor** in FLSA and state law overtime and other wage and hour claims in federal court in Minnesota. We were retained after the company had a nationwide FLSA class conditionally certified against it. We obtained decertification of a substantial portion of that FLSA case, and defeated entirely plaintiffs' motion to certify under FRCP 23 various state law claims for straight time and overtime under the laws of nine separate states. Combined, these wins reduced our clients' potential exposure by about 90 percent.

We successfully defended **Barnes & Noble** in two separate wage and overtime class actions involving different groups of employees, one in federal court and one in California state court, alleging failures to provide meal breaks and rest breaks and failures to pay overtime. We defeated class certification in its entirety in both cases.

We represented **Computer Sciences Corporation** in a 27,000-employee nationwide Fair Labor Standards Act and state law overtime class action. The case settled on terms that resulted in an average payout of less than \$1,000 per class member—a number several times lower than the typical per-class member settlement in such cases.

We represented **Home Savings** in an overtime class action concerning nearly 2,000 account representatives. The firm negotiated a \$1.5 million settlement, one of the lowest settlements in California history for comparable claims and class size.

We represented **Computer Sciences Corporation** in a purported nationwide overtime class action on behalf of computer consultants. After providing informal discovery to plaintiff's counsel, we persuaded the plaintiff to drop the class-action allegations and resolve the remaining individual claim.

We represented **Washington Mutual Bank** in a wage and hour class action alleging improper deductions from employee wages. Before answering the Complaint, we developed a novel federal preemption defense to the claims based on laws governing the financial stability of federally regulated lending institutions. Upon being served with a draft demurrer raising this preemption defense, the plaintiff dismissed his case.

We obtained a favorable settlement for **Coca-Cola Enterprises Inc.** in a coverage dispute regarding coverage for a wage and hour class action in which the insurer had denied coverage under its employment practices liability insurance policy.

Other

We represented **Barrick Gold of North America, Inc., the Board of Directors of Barrick Gold of North America, Inc., and Barrick U.S. Subsidiaries Benefits Committee** in a class action filed by two former Barrick Gold employees in which they alleged that Defendants breached the fiduciary duties of loyalty and prudence in violation of ERISA by purportedly failing to, among other things, investigate and select lower cost alternative investment options for the plan and monitor or control the plan's recordkeeping expenses. In the Summer of 2020, Quinn Emanuel filed a motion to dismiss Plaintiffs' complaint, arguing that Plaintiffs' claim that the plan's investment options were more expensive than allegedly similar investments was inaccurate. Plaintiffs were not only making comparisons between dissimilar investment options, but they were also citing incorrect plan expense ratios that, when corrected, showed that the plan's investment options were actual cheaper than the ones Plaintiffs cited as examples of "prudent" investment choices. The plan documents also proved that the plan administrator had acted prudently, renegotiating recordkeeping fees 17 times with the recordkeeper and consistently lowering the fees. The Court agreed and dismissed Plaintiffs' Amended Complaint with prejudice.

We represented **Stripe and PayPal** in a case involving claims under California's Unruh Civil Rights Act and obtained dismissal on the pleadings. Plaintiff Blair Gladwin is a federally licensed firearms dealer. He sued Stripe and PayPal (along with Square in a companion case) alleging that these payment processing companies were violating his civil rights because they have restrictions against using their services to process payments for weapons and ammunition. Gladwin alleged that under the Unruh Act, his occupation as a firearms dealer was a protected personal characteristic and that the defendant companies were discriminating against him and other firearms dealers on the basis of that occupation by preventing them from using the defendants' services to process payments for firearms. On demurrer, Quinn Emanuel scored a major victory for Stripe and PayPal by convincing the court that facially neutral restrictions like those of the defendant companies -- which apply equally to all people -- are encouraged by the Unruh Act, not prohibited by it, and that the companies' policies were supported by reasonable business decisions and were therefore not arbitrary. After allowing the plaintiff multiple opportunities to amend his pleading to attempt to cure it, the superior court dismissed the case with prejudice.

We represent a class of residents in the **New York City Housing Authority ("NYCHA")** in a class-action lawsuit over NYCHA's failure to adequately remediate mold in public housing, which has deleterious health effects on all residents, but particularly on those with asthma or other respiratory disorders. On November 29, 2018, Judge William H. Pauley III of the U.S. District Court for the Southern District of New York approved a revised and significantly more stringent consent decree with NYCHA, after NYCHA had repeatedly breached the prior consent decree in place since 2013. The new consent decree represents a meaningful step forward for ameliorating conditions for tens (if not hundreds) of thousands of NYCHA residents. Quinn Emanuel attorneys and other class counsel will continue to represent NYCHA residents in enforcing the revised consent decree and helping to ensure NYCHA complies with its obligation to provide fair and adequate housing to each of its residents.

Quinn Emanuel and its co-counsel achieved a landmark civil rights settlement with **The City of New York and the New York Police Department**. The City and the NYPD agreed to pay up to \$75 million to resolve claims that as a result of NYPD quotas, New York City police officers issued nearly 900,000 criminal summonses without probable cause in violation of the Constitution. The settlement agreement also sets forth a series of significant steps that the City has taken since the start of the litigation, or will be taking going forward, to address quota policy and other matters raised in the lawsuit.

[READ LESS](#)

[Partners](#)



PARTNER, CHAIR

Shon Morgan

Los Angeles

[View Bio](#) [vCard](#)

PARTNER

Anthony Alden

Los Angeles

[View Bio](#) [vCard](#)

PARTNER

Jeremy Andersen

Los Angeles

[View Bio](#) [vCard](#)

PARTNER

Jennifer Barrett

New York

[View Bio](#) [vCard](#)[VIEW MORE](#)

News

[Awards, Firm News](#)

Law360 Selects Five Quinn Emanuel Partners as “2023 MVPs”

[Awards](#)

Law360 Names Quinn Emanuel Partners 2020 “MVPs of the Year”

Who Works Here?

Take a look and get to know the talented attorneys that are part of our team.

[LEARN MORE](#)

Who Are We?

Learn more about our firm and what our attorneys have accomplished.

[LEARN MORE](#)

Ready To Reach Out?

Locate the contact information for an office near you to get the conversation started.

[LEARN MORE](#)

© 2023

[Contact Us](#) [Privacy Policy](#)

All rights reserved. Attorney advertising. Prior results do not guarantee similar outcome. Amounts listed may be aggregates.

For media inquiries, please contact us at publicrelations@quinnmanuel.com

Design by SPINX Digital

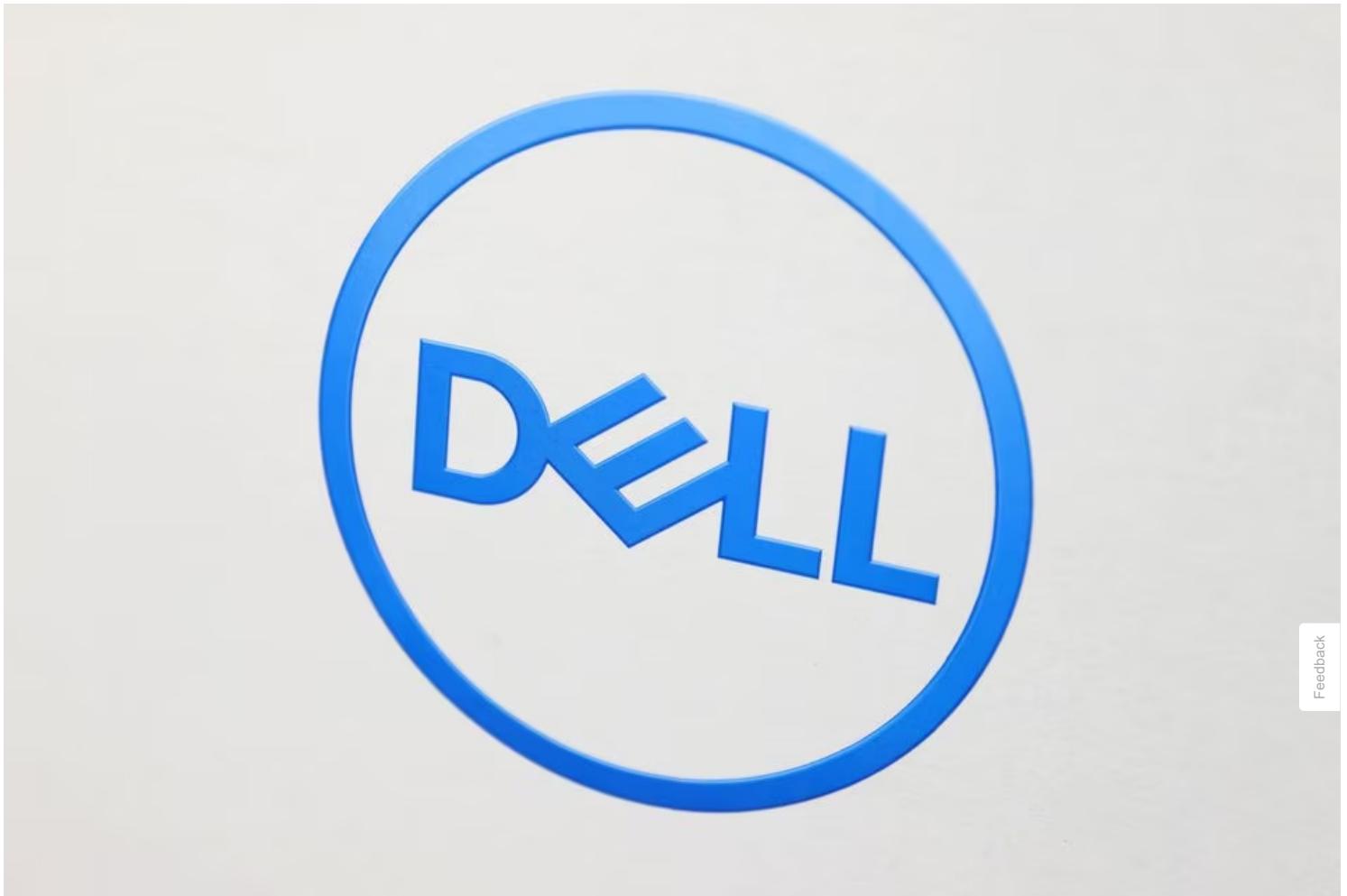
EXHIBIT E

[Learn more about LSEG](#)[My View](#) [Following](#) [Saved](#)[Litigation](#) | [White Collar Crime](#) | [Litigation](#) | [Corporate Counsel](#) | [Corporate Governance](#)

Dell reaches \$1 billion settlement over disputed 2018 stock swap

By Jonathan Stempel

November 16, 2022 11:27 AM EST · Updated a year ago



Feedback

The Dell logo is seen on an item for sale in a store in Manhattan, New York City, U.S., November 24, 2021. REUTERS/Andrew Kelly [Acquire Licensing Rights](#)

[Companies](#) [Law Firms](#)**Dell Technologies Inc**[Follow](#)**Goldman Sachs Group Inc**[Follow](#)



VMware Inc

[Follow](#)

Nov 16 (Reuters) - Dell Technologies Inc ([DELL.N](#)) on Wednesday said it reached a \$1 billion settlement of a lawsuit accusing it of short-changing some shareholders in a controversial \$23.9 billion transaction in 2018 that marked its return as a publicly traded company.

The all-cash settlement is subject to approval by a Delaware Chancery Court judge, and will be reflected in Dell's third-quarter results.

It resolves claims against the Round Rock, Texas-based computing and technology services company and controlling shareholders, including billionaire Chief Executive Michael Dell and private equity firm Silver Lake.

Silpa Maruri, a partner at **Quinn Emanuel Urquhart & Sullivan** representing the plaintiffs, said the accord appeared to be the largest cash class-action settlement in a Delaware state court.

The disputed December 2018 transaction involved a stock swap related to Dell's interest in software maker VMware.

Dell paid \$14 billion in cash and issued 149.4 million Class C shares in exchange for outstanding Class V shares, which tracked VMware's publicly traded stock.

Advertisement - Scroll to continue

Holders of the Class V shares sought \$10.7 billion in damages, saying their stock was worth far more than Dell paid for it, while the Class C stock was worth far less than Michael Dell and Silver Lake claimed.

A trial had been scheduled to begin next month.

The settlement also resolves claims against Goldman Sachs Group Inc ([GS.N](#)), which advised Dell on the transaction and stood to receive a \$70 million fee. Insurers may pay part of the settlement amount.

Advertisement - Scroll to continue

Feedback

Maruri called the settlement a "great result for shareholders," citing the risks of going to trial.

"This settlement demonstrates that the rights of minority shareholders in companies need to be respected," she said.

Michael Dell was worth \$52 billion on Tuesday, according to Forbes magazine.

Reporting by Jonathan Stempel in New York; Editing by Elaine Hardcastle and Jonathan Oatis

Our Standards: [The Thomson Reuters Trust Principles](#).

Acquire Licensing Rights 

Read Next / Editor's Picks

Sustainable Finance & Reporting

Ford, UAW reach tentative deal to end strike including record pay raise

1:12 PM UTC

Sustainability

Exclusive: Shell cuts low-carbon jobs, scales back hydrogen in overhaul by CEO

October 25, 2023

World

US Rep Bowman charged with pulling fire alarm at Capitol

October 26, 2023

Sustainable Finance & Reporting

Southwest Airlines reaches tentative deal with union representing 19,000 attendants

October 26, 2023



Feedback

More from Reuters

Images of September
(1:42) - September 29, 2023
[Watch more videos](#)



Images of September

**Images of August**

01:57



America now in prolonged state of political violence
03:55



How gold mining contaminates Amazon wildlife

**Sponsored Content****What it takes to deliver true goal-based investing**

Sponsored by Glenmede

**Advance Your Career at Johns Hopkins Carey Business School**

Sponsored by Carey Business School

**5 Investing Mistakes to Avoid**

Sponsored by Charles Schwab

**50-Year Wall Street Legend: "You Have Just Weeks To Move Your Money"**

Sponsored by Chaikin Analytics

**Top 5 Cybersecurity Tips to Keep You Safe**

Sponsored by Morgan Stanley

**Use technology to sharpen your business forecasts**

Sponsored by Bank of America

**Industry Insight >****Industry Insight****Companies need to integrate climate reporting across functions to comply with California's new law**

Henry Engler

October 20, 2023

Legal

Cellino, Barnes firms battle former colleagues over fees, years after split

Diana Novak Jones

September 27, 2023

Legal

US appeals judge faults probe of Federal Circuit's Pauline Newman

Andrew Goudsward

September 20, 2023

Legal

Law firm Clifford Chance posts increased revenue, stalled profits

Sara Merken

Feedback



Sponsored Content

Learn how to manage data to better grow your business

Sponsored by Bank of America



Your investments. Your mission. Your wealth. Let's talk. Glenmede

Sponsored by Glenmede

A Global Cooperative Approach to Cybersecurity

Sponsored by Georgetown University



Top 5 Cybersecurity Tips to Keep You Safe

Sponsored by Morgan Stanley



Don't Pay More than \$10/Month for Cable & Internet

Sponsored by WalletGenius



50-Year Wall Street Legend: "You Have Just Weeks To Move Your Money"

Sponsored by Chaikin Analytics



Sponsored Content

7 Retirement Income Strategies Once Your Portfolio Reaches \$500k

Sponsored by Fisher Investments

Equities: Weathering Recession and Profit Risks?

Sponsored by MFS Investment Management®

5 Things That are Ripping Us Off Every Month

Sponsored by The Penny Hoarder

AstraZeneca: Creating a Culture of Innovation

Sponsored by Morgan Stanley

We have clients ready—bring your Series 7 to Fidelity.

Sponsored by Fidelity Investments

How to Trade While on Vacation

Sponsored by Charles Schwab

Latest

[Home](#)

Media

[Videos](#)

[Pictures](#)

[Graphics](#)

Browse

[World](#)

[Business](#)

[Markets](#)

[Sustainability](#)

[Legal](#)

[Breakingviews](#)

[Technology](#)

[Investigations](#)

[Sports](#)

[Science](#)

[Lifestyle](#)

About Reuters

[About Reuters](#)

[Careers](#)

[Reuters News Agency](#)

[Brand Attribution Guidelines](#)

[Reuters Leadership](#)

[Reuters Fact Check](#)

[Reuters Diversity Report](#)

Feedback

Stay Informed

[Download the App](#)

[Newsletters](#)

Information you can trust

Reuters, the news and media division of Thomson Reuters, is the world's largest multimedia news provider, reaching billions of people worldwide every day. Reuters provides business, financial, national and international news to professionals via desktop terminals, the world's media organizations, industry events and directly to consumers.

Follow Us



Thomson Reuters Products

Westlaw ↗

Build the strongest argument relying on authoritative content, attorney-editor expertise, and industry defining technology.

Onesource ↗

The most comprehensive solution to manage all your complex and ever-expanding tax and compliance needs.

Checkpoint ↗

The industry leader for online information for tax, accounting and finance professionals.

LSEG Products

Workspace ↗

Access unmatched financial data, news and content in a highly-customised workflow experience on desktop, web and mobile.

Data Catalogue ↗

Browse an unrivalled portfolio of real-time and historical market data and insights from worldwide sources and experts.

World-Check ↗

Screen for heightened risk individual and entities globally to help uncover hidden risks in business relationships and human networks.

[Advertise With Us](#) ↗ [Advertising Guidelines](#) ↗ [Coupons](#) ↗ [Acquire Licensing Rights](#) ↗

All quotes delayed a minimum of 15 minutes. See here for a complete list of exchanges and delays.

[Cookies](#) ↗ [Terms of Use](#) ↗ [Privacy](#) ↗ [Digital Accessibility](#) ↗ [Corrections](#) ↗ [Site Feedback](#) ↗

© 2023 Reuters. All rights reserved

Feedback

EXHIBIT F

[Quinn Emanuel...](#)

News, cases, companies, fir...

Try our [Advanced Search](#) for more refined results

Law360 MVP Awards Go To 188 Attys From 78 Firms

News, cases, companies, fir...

 Toggle Dropdown

- [Search Law360](#)
- [Search News Only](#)
- [Search Cases Only](#)
- [Search PTAB Only](#)
- [Search TTAB Only](#)
- [Advanced Search](#)

[Quinn Emanuel Urquhart & Su...](#)

- [My Account](#)
- [Emails & Alerts](#)
- [Newsletter Signup](#)

[Close](#)

- Law360
- [Law360 UK](#)
- [Law360 Pulse](#)
- [Law360 Employment Authority](#)
- [Law360 Tax Authority](#)
- [Law360 Insurance Authority](#)
- [Law360 Real Estate Authority](#)

- Products
- [Lexis®](#)
- [Law360 In-Depth](#)
- [Law360 Podcasts](#)

- Rankings
- [Regional Powerhouses](#)
- [Law360's MVPs](#)
- [Women in Law Report](#)
- [Law360 400](#)
- [Diversity Snapshot](#)
- [Practice Groups of the Year](#)
- [Rising Stars](#)
- [Titans of the Plaintiffs Bar](#)

- Sections
- [Adv. Search & Platform Tools](#)
- [About all sections](#)

- [Browse all sections](#)

- [Banking](#)
- [Bankruptcy](#)
- [Class Action](#)
- [Competition](#)
- [Employment](#)
- [Energy](#)
- [Expert Analysis](#)
- [Insurance](#)
- [Intellectual Property](#)
- [Product Liability](#)
- [Securities](#)

- Beta Tools
- [Track docs](#)
- [Track attorneys](#)
- [Track judges](#)

- Site Menu
- [Join the Law360 team](#)
- [Search legal jobs](#)
- [Learn more about Law360](#)
- [Read testimonials](#)
- [Contact Law360](#)
- [Sign up for our newsletters](#)
- [Law360 Company](#)
- [Resource Library](#)
- [Site Map](#)
- [Help](#)

[Intellectual Property](#) [Securities](#) [Bankruptcy](#) [Competition](#) [Employment](#) [White Collar](#) [Legal Industry](#) [Access To Justice](#) [Law360 UK Pulse](#) || [See all sections](#) || [NEWSLETTERS](#)

How would you describe your law firm's culture?

[Click here to take our survey.](#)

Law360 MVP Awards Go To 188 Attys From 78 Firms

Law360 (September 5, 2022, 9:02 PM EDT) · [Listen to article](#) -- The attorneys chosen as Law360's 2022 MVPs have distinguished themselves from their peers by securing hard-earned successes in high-stakes litigation, complex global matters and record-breaking deals.



Competition for the MVP distinction was fierce this year, with editors reviewing more than 900 submissions to determine the winners. Beginning this week, Law360 will profile the 2022 class of MVPs, which consists of 188 attorneys from 78 firms and 38 practice areas.

Paul Weiss Rifkind Wharton & Garrison LLP topped the list this year, with MVPs in 13 practice areas. Kirkland & Ellis LLP and Latham & Watkins LLP tied for second with showings in nine practices, and Covington & Burling LLP, Gibson Dunn & Crutcher LLP and Sullivan & Cromwell LLP tied for third with eight.

Congratulations to this year's Law360 MVPs. Here's the full list of winners:

Appellate

[Daniel L. Geyser](#) • Haynes and Boone

[Melissa Arbus Sherry](#) • Latham

[Josh Rosenkranz](#) • Orrick

[Kannon Shanmugam](#) • Paul Weiss

Banking

[Lary Stromfeld](#) • Cadwalader

[Susanna Buergel](#) • Paul Weiss

[Adam Hakki](#) • Shearman

[Mitch Eitel](#) • Sullivan & Cromwell

Bankruptcy

[Arik Preis](#) • Akin Gump

[Marshall Huebner](#) • Davis Polk

[Christine Okike](#) • Kirkland

[John J. Rapisardi](#) • O'Melveny
[Brian S. Rosen](#) • Proskauer
[Rachel C. Strickland](#) • Willkie

Benefits

[Nancy Ross](#) • Mayer Brown
[Jean McLoughlin](#) • Paul Weiss
[Page W. Griffin](#) • Skadden
[Matthew M. Friestedt](#) • Sullivan & Cromwell
[Cyril Smith](#) • Zuckerman Spaeder

Cannabis

[Frank A. Segall](#) • Burns & Levinson
[Eric Berlin](#) • Dentons
[Sean Coyle](#) • Fox Rothschild
[Brian Vicente](#) • [Vicente Sederberg](#)

Capital Markets

[Ran Ben-Tzur](#) • Fenwick
[Christian O. Nagler](#) • Kirkland
[Marc Jaffe](#) • Latham
[Ryan Dzierniejko](#) • Skadden
[Kay Ian Ng](#) • Sullivan & Cromwell

Class Action

[Henry Liu](#) • Covington
[Carol C. Villegas](#) • Labaton Sucharow
[Adam Wolfson](#) • Quinn Emanuel
[Paul J. Geller](#) • Robbins Geller
[Eric Grannon](#) • White & Case

Competition

[Rachel S. Brass](#) • Gibson Dunn
[David Kiernan & Jeffrey LeVee](#) • Jones Day
[Norman Armstrong](#) • King & Spalding
[J. Clayton "Clay" Everett Jr.](#) • Morgan Lewis
[William Isaacson](#) • Paul Weiss
[John Terzaken](#) • Simpson Thacher

Compliance

[John Smith](#) • Morrison Foerster
[Andrew Blake](#) • Sidley
[Camille Orme](#) • Sullivan & Cromwell

Cybersecurity & Privacy

[Brenda Sharton](#) • Dechert
[David A. Straite](#) • DiCello Levitt
[Serrin Turner](#) • Latham
[Jean Martin](#) • Morgan & Morgan
[Kristin Bryan](#) • Squire Patton

Employment

[Jason Schwartz](#) • Gibson Dunn
[Amanda Sommerfeld](#) • Jones Day

[Michael Weil](#) • Morgan Lewis
[Liza Velazquez](#) • Paul Weiss
[David deRubertis](#) • The deRubertis Law Firm

Energy

[Hillary H. Holmes](#) • Gibson Dunn
[Scott Greer](#) • King & Spalding
[Doug Bacon](#) • Kirkland
[Justin T. Stolte](#) • Latham
[Kaam Sahely](#) • V&E

Environmental

[Kevin Poloncarz](#) • Covington
[Sara Gersen](#) • Earthjustice
[Gregory Evans](#) • McGuireWoods
[Liz Cousins](#) • Nossaman
[E. Fitzgerald Veira](#) • Troutman Pepper

Fintech

[Georgia Quinn](#) • Anchorage Digital
[Samson "Sam" Enzer](#) • Cahill Gordon
[David L. Portilla](#) • Cravath
[Lilya Tessler](#) • Sidley
[Jeffrey A. Brill](#) • Skadden

Fund Formation

[Andrew Ford](#) • Debevoise
[Katie St. Peters](#) • Kirkland
[Amran Hussein](#) • Paul Weiss
[Tom Wuchenich](#) • Simpson Thacher

Government Contracts

[Aron Beezley](#) • Bradley Arant
[Scott Freling](#) • Covington
[Stephen J. McBrady](#) • Crowell & Moring
[Brian Walsh](#) • Wiley
[Andrew Shipley](#) • WilmerHale

Health Care

[Geoffrey Sigler](#) • Gibson Dunn
[Cybil Roehrenbeck](#) • Hogan Lovells
[Maria T. Currier](#) • Holland & Knight
[Mark E. Reagan](#) • Hooper Lundy
[Dennis Williams](#) • Kirkland

Hospitality

[Bonnie Neuman](#) • Cadwalader
[Andrew Lance](#) • Gibson Dunn
[Rachel S.K. Bates](#) • Latham

Insurance

[Adam Ziffer](#) • Cohen Ziffer
[Anna Engh](#) • Covington

[Deborah Stein](#) • Gibson Dunn
[Bronwyn Pollock](#) • Mayer Brown
[Maaren Shah](#) • Quinn Emanuel

Intellectual Property

[David Bernstein](#) • Debevoise
[Daralyn J. Durie](#) • Durie Tangri
[Eric Buresh](#) • Erise
[Jason Sheasby](#) • Irell
[Lucy Jewett Wheatley](#) • McGuireWoods

International Arbitration

[Maria Chedid](#) • Arnold & Porter
[Eduardo Silva Romero](#) • Dechert
[Melissa Stear Gorsline](#) • Jones Day
[Stephen Anway](#) • Squire Patton
[Hansel Pham](#) • White & Case

International Trade

[Henry Almond](#) • Arnold & Porter
[Jay Smith](#) • Covington
[Jonathan Stoel](#) • Hogan Lovells
[Farhad Jalinous](#) • White & Case
[Robert E. DeFrancesco III](#) • Wiley

Life Sciences

[Amy Toro](#) • Covington
[David Bilsker & David Perlson](#) • Quinn Emanuel
[Adam Acosta](#) • White & Case
[David I. Berl](#) • Williams & Connolly

Media & Entertainment

[David L. Axelrod](#) • Ballard Spahr
[Rachel Strom](#) • Davis Wright
[Orin Snyder](#) • Gibson Dunn
[Mathew S. Rosengart](#) • Greenberg Traurig
[Thomas G. Hentoff](#) • Williams & Connolly

Mergers & Acquisitions

[Ed Lee](#) • Kirkland
[Jennifer Broder](#) • Munger Tolles
[Krishna Veeraraghavan](#) • Paul Weiss
[Anthony Vernace](#) • Simpson Thacher
[Sonia K. Nijjar](#) • Skadden
[Andrew Gerlach](#) • Sullivan & Cromwell

Private Equity

[Mark E. Thierfelder](#) • Dechert
[Matt Abbott](#) • Paul Weiss
[Jason Freedman](#) • Ropes & Gray
[Mehdi Khodadad](#) • Sidley
[Elizabeth Cooper](#) • Simpson Thacher

Product Liability

[Jennifer Levy & Donna Welch](#) • Kirkland
[Elizabeth Cabraser & Richard Heimann](#) • Lieff Cabraser
[Tara Sutton](#) • Robins Kaplan

Project Finance

[Agnieszka Klich](#) • Covington
[Rob Eberhardt](#) • Kirkland
[Greg Smith](#) • Morrison Foerster
[Dan Feldman](#) • Shearman
[Julia Czarniak](#) • Skadden

Real Estate

[Holly Chamberlain](#) • Cadwalader
[David W. Forti](#) • Dechert
[Stacey McEvoy](#) • Hogan Lovells
[Mark S. Edelstein](#) • Morrison Foerster
[Krista Miniutti](#) • Simpson Thacher
[Adam Emmerich & Robin Panovka](#) • Wachtell

Securities

[James A. Harrod](#) • Bernstein Litowitz
[Michele D. Johnson](#) • Latham
[Gregg S. Levin](#) • Motley Rice
[Audra Soloway](#) • Paul Weiss
[Robert Giuffra Jr.](#) • Sullivan & Cromwell

Sports & Betting

[Adam Sullins](#) • Latham
[Brad Karp](#) • Paul Weiss
[Irwin Raji](#) • Sidley
[Karen Leetzow](#) • U.S. Soccer Federation
[Jeffrey Kessler](#) • Winston & Strawn

Structured Finance

[Nick Shiren](#) • Cadwalader
[Lisa Collier & Jennifer B. Ezring](#) • Cahill Gordon
[Bob Zochowski](#) • Paul Weiss
[Jonathan Pickhardt](#) • Quinn Emanuel

Tax

[Lauren Angelilli](#) • Cravath
[Jeff Friedman](#) • Eversheds Sutherland
[Jean Pawlow](#) • Latham
[Liesl Fichardt](#) • Quinn Emanuel
[Nathan W. Giesselman](#) • Skadden
[Isaac Wheeler](#) • Sullivan & Cromwell

Technology

[Ashley Simonsen](#) • Covington
[Alan Denenberg](#) • Davis Polk
[Warren Postman](#) • Keller Postman

[Meredith Dearborn](#) • Paul Weiss

Telecommunications

[Maureen Jeffreys](#) • Arnold & Porter
[Jonathan Gordon](#) • Baker Botts
[Peter Karanja](#) • DLA Piper
[Rémy Fekete](#) • Jones Day

Transportation

[Joanne Rotondi](#) • Hogan Lovells
[John Nadolenco](#) • Mayer Brown
[Levi McAllister](#) • Morgan Lewis
[Andrée Blais](#) • Nossaman
[Suhana Han](#) • Sullivan & Cromwell

Trials

[John Hueston & Moez Kaba](#) • Hueston Hennigan
[Hariklia "Carrie" Karis](#) • Kirkland
[Sean Berkowitz](#) • Latham
[Karen Dunn](#) • Paul Weiss
[Edward Reines](#) • Weil

White Collar

[Bradley Bondi](#) • Cahill Gordon
[Andrew J. Levander](#) • Dechert
[Joel Cohen](#) • Gibson Dunn
[Thomas Werlen](#) • Quinn Emanuel
[Timothy J. Treanor](#) • Sidley

Looking for a badge to celebrate your MVP recognition on your website or social media? Contact reprints@law360.com.

For a reprint of this article, please contact reprints@law360.com.

1 Comment

nina marino September 6th, 2022, 1:20PM

I am disappointed that for white collar you only selected men when there are numerous excellent women in the field.

[Sign In To Comment](#)

Hello! I'm Law360's automated support bot.

How can I help you today?

For example, you can type:

- I forgot my password
- I took a free trial but didn't get a verification email
- How do I sign up for a newsletter?

[Ask a question!](#)[Ask a question!](#)

© 2023, Portfolio Media, Inc. | [About](#) | [Contact Us](#) | [Legal Jobs](#) | [Advertise with Law360](#) | [Careers at Law360](#) | [Terms](#) | [Privacy Policy](#) | Cookie Settings | [Ad Choices](#) | [Help](#) | [Site Map](#) | [Resource Library](#) | [Law360 Company](#)



Already have access? [Click here to login](#)

Get instant access to the one-stop news source for business lawyers

[Register Now!](#)

Start your free 7-day trial

To continue reading, fill out the form below to activate a free 7-day trial of Law360.

Email (NOTE: Free email domains not supported)

First Name

Last Name

Job Title

Password (at least 8 characters required)

Confirm Password

Get the best of Law360 in your inbox

Select at least one primary interest below to receive curated, daily newsletters designed by senior editors so you can quickly scan the latest news and analysis in your area of practice.

- | | | |
|---|--|--|
| <input type="checkbox"/> Access To Justice | <input type="checkbox"/> Aerospace & Defense | <input type="checkbox"/> Appellate |
| <input type="checkbox"/> Asset Management | <input type="checkbox"/> Banking | <input type="checkbox"/> Bankruptcy |
| <input type="checkbox"/> Benefits | <input type="checkbox"/> California | <input type="checkbox"/> Cannabis |
| <input type="checkbox"/> Capital Markets | <input type="checkbox"/> Class Action | <input type="checkbox"/> Colorado |
| <input type="checkbox"/> Commercial Contracts | <input type="checkbox"/> Competition | <input type="checkbox"/> Compliance |
| <input type="checkbox"/> Connecticut | <input type="checkbox"/> Construction | <input type="checkbox"/> Consumer Protection |
| <input type="checkbox"/> Corporate | <input type="checkbox"/> Cybersecurity & Privacy | <input type="checkbox"/> Delaware |
| <input type="checkbox"/> Employment | <input type="checkbox"/> Energy | <input type="checkbox"/> Environmental |

- | | | |
|--|--|--|
| <input type="checkbox"/> Fintech | <input type="checkbox"/> Florida | <input type="checkbox"/> Food & Beverage |
| <input type="checkbox"/> Georgia | <input type="checkbox"/> Government Contracts | <input type="checkbox"/> Health |
| <input type="checkbox"/> Hospitality | <input type="checkbox"/> Illinois | <input type="checkbox"/> Immigration |
| <input type="checkbox"/> Insurance | <input type="checkbox"/> Intellectual Property | <input type="checkbox"/> International Arbitration |
| <input type="checkbox"/> International Trade | <input type="checkbox"/> Legal Ethics | <input type="checkbox"/> Life Sciences |
| <input type="checkbox"/> Massachusetts | <input type="checkbox"/> Media & Entertainment | <input type="checkbox"/> Mergers & Acquisitions |
| <input type="checkbox"/> Michigan | <input type="checkbox"/> Native American | <input type="checkbox"/> New Jersey |
| <input type="checkbox"/> New York | <input type="checkbox"/> North Carolina | <input type="checkbox"/> Ohio |
| <input type="checkbox"/> Pennsylvania | <input type="checkbox"/> Personal Injury & Medical Malpractice | <input type="checkbox"/> Private Equity |
| <input type="checkbox"/> Project Finance | <input type="checkbox"/> Public Policy | <input type="checkbox"/> Product Liability |
| <input type="checkbox"/> Retail & E Commerce | <input type="checkbox"/> Securities | <input type="checkbox"/> Real Estate |
| <input type="checkbox"/> Technology | <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Sports & Betting |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Trials | <input type="checkbox"/> Texas |
| <input type="checkbox"/> White Collar | | <input type="checkbox"/> Washington |

Law360 may contact you in your professional capacity with information about our other products, services and events that we believe may be of interest.

You'll be able to update your communication preferences via the unsubscribe link provided within our communications.

We take your privacy seriously. Please see our [Privacy Policy](#).

[Start Free Trial](#)



Sign up for our Technology newsletter

You must correct or enter the following before you can sign up:

Please provide a professional email:

[Select more newsletters to receive for free](#)

Law360 takes your privacy seriously. Please see our [Privacy Policy](#).

[No Thanks](#) [Sign up now](#)

Thank You!

EXHIBIT G

Learn more about [LSEG](#)

REUTERS®

My View Following Saved

Litigation | Product Liability | Health | Litigation | Class Actions & Multi-District Litigation

3M hit with \$8.2 million verdict in fourth military earplug trial

By Nate Raymond

October 1, 2021 5:39 PM EDT · Updated 2 years ago



Feedback

The 3M logo is seen at its global headquarters in Maplewood, Minnesota, U.S. on March 4, 2020. The company has been contracted by the U.S. government to produce extra masks in response to the...
[Acquire Licensing Rights](#) [Read more](#)

Law Firms



Quinn Emanuel Urquhart & Sullivan, LLP

[Follow](#)



Kirkland & Ellis LLP

[Follow](#)



Aylstock, Witkin, Kreis & Overholtz, PLLC

[Follow](#)[Show more law firms ▾](#)

(Reuters) - A federal jury on Friday awarded a U.S. Army veteran \$8.2 million after finding that combat earplugs sold by 3M Co caused him to suffer hearing loss and tinnitus, the biggest verdict yet against the company in mass tort litigation over the product.

Jurors in Pensacola, Florida sided with former U.S. Army soldier Brandon Adkins after finding the earplugs had a design defect and that 3M failed to provide adequate safety warnings. His lawsuit was the fourth to go to trial of more than 259,000 cases pending in the largest multidistrict litigation ever.

The lead lawyers for the plaintiffs in the litigation – Bryan Aylstock of Aylstock, Witkin, Kreis & Overholtz; Shelley Hutson of Clark, Love & Hutson; and Christopher Seeger of Seeger Weiss – noted the case was 3M's third trial loss.

"We plan to hold 3M fully accountable for the damage they have caused to those who served our nation," they said in a joint statement.

3M in a statement said it was disappointed by the verdict and remained "ready to defend ourselves against plaintiffs' allegations at all upcoming trials."

Advertisement · Scroll to continue

The next trial is on Oct. 18, before U.S. District Judge M. Casey Rodgers, who oversees the MDL.

Plaintiffs allege the company hid design flaws, fudged test results and failed to provide instruction in the proper use of Combat Arms Earplugs Version 2, which were used by the Army from 2007 to 2013. 3M denies the allegations.

Adkins' case, which was selected by the defense for trial, was the fourth so-called "bellwether" to go to trial. Such cases are used to help both sides gauge the range of damages and define settlement options.

Advertisement · Scroll to continue

Feedback

The first trial resulted in \$7.1 million verdict for three plaintiffs in April, while the second ended in a victory for 3M in May. Jurors in a third trial found 3M 62% liable for the \$1.7 million in damages a veteran sustained.

The earplugs were developed by Aearo Technologies LLC, which 3M bought in 2008.

For the earplugs to work properly, the flexible cups on the side protruding from the ear sometimes had to be folded back. If not, the plugs would slowly loosen and noise would seep in.

Advertisement · Scroll to continue

Veterans contend 3M failed to convey the need to fold the plugs and that they only learned about the issue when 3M in 2018 paid \$9.1 million to resolve government claims it failed to disclose the defects.

Adam Wolfson, a lawyer for Adkins at Quinn Emanuel Urquhart & Sullivan, told jurors the 35-year-old, who served in the Army from 2004 to 2009 and did two tours in Afghanistan, suffers from tinnitus, or a ringing in his ears, and hearing loss, injuries the combat earplugs should have protected him against.

Advertisement · Scroll to continue

"It was preventable but for one company's crime," he said in his opening statement on Sept. 20.

Hariklia Karis, 3M's lawyer at Kirkland & Ellis, had countered that the company "cannot be held responsible for injuries that are unrelated to any defect in the Combat Arms Earplug with respect to Mr. Adkins."

The case is In re 3M Combat Arms Earplug Products Liability Litigation, U.S. District Court, Northern District of Florida, No. 19-md-2885.

For Adkins: **Adam Wolfson** and Matthew Hosen of Quinn Emanuel Urquhart & Sullivan; Bryan Aylstock, Neil Overholtz and Jennifer Hoekstra of Aylstock, Witkin, Kreis & Overholtz; and Michael Sacchet, Megan Odom of Ciresi Conlin; and Robert Cowan of Bailey Cowan Heckaman

For 3M: Hariklia Karis, Mark Nomellini, Nicholas Wasdin, Ashley Neglia and Saghar Esfandiarifard of Kirkland & Ellis; and Charles Beall of Moore, Hill & Westmoreland

Read more:

[3M hit with \\$6 mln punitive damages by U.S. jury in first combat earplug trial](#)

[3M loses third trial in huge military earplug mass tort](#)

Our Standards: [The Thomson Reuters Trust Principles](#).

Acquire Licensing Rights 



Nate Raymond
Thomson Reuters

Nate Raymond reports on the federal judiciary and litigation. He can be reached at nate.raymond@thomsonreuters.com.



Read Next / Editor's Picks

Sustainable Finance & Reporting

Ford, UAW reach tentative deal to end strike including record pay raise

1:12 PM UTC

Sustainability

Exclusive: Shell cuts low-carbon jobs, scales back hydrogen in overhaul by CEO

October 25, 2023

World

US Rep Bowman charged with pulling fire alarm at Capitol

October 26, 2023

Sustainable Finance & Reporting

Southwest Airlines reaches tentative deal with union representing 19,000 attendants

October 26, 2023

LSEG Workspace

**The next-generation
human interface for
financial professionals.**

Feedback

More from Reuters

Images of September
(1:42) - September 29, 2023
[Watch more videos](#)



Images of September



Images of August

01:57



America now in prolonged state of political violence
03:55



How gold mining contaminates Amazon wildlife



Sponsored Content

DI

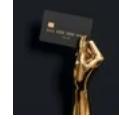
Learn how to improve cyber security best practices for your business

Sponsored by Bank of America



Bonus Alert: Unlimited Cash Back Match

Sponsored by The Motley Fool



Wall Street Predicts Massive Financial Shift in 2024

Sponsored by Chaikin Analytics



What is an IRA?

Sponsored by Charles Schwab



Your investments. Your mission. Your wealth. Let's talk. Glenmede

Sponsored by Glenmede



Best trading technology + \$0 commission equities & options.

Sponsored by TradeStation



Industry Insight >

Industry Insight

Companies need to integrate climate reporting across functions to comply with California's new law

Henry Engler

October 20, 2023



Feedback

Legal

Cellino, Barnes firms battle former colleagues over fees, years after split

Diana Novak Jones

September 27, 2023



Legal

US appeals judge faults probe of Federal Circuit's Pauline Newman

Andrew Goudsward

September 20, 2023



Legal

Law firm Clifford Chance posts increased revenue, stalled profits



Sponsored Content

We have clients ready—bring your Series 7 to Fidelity.

Sponsored by Fidelity Investments



See How Some Retirees Use Options Trading As A Safe Way To Earn Income

Sponsored by TradeWins



10 Lucrative Dividend Stocks With Double Digit Dividend Yields

Sponsored by Liberty Through Wealth



6 Things Not to Do When Selecting a Financial Advisor

Sponsored by smartasset



5 questions to ask before parents move in.

Sponsored by Charles Schwab



Learn how to manage data to better grow your business

Sponsored by Bank of America



Sponsored Content

5 Things That are Ripping Us Off Every Month

Sponsored by The Penny Hoarder

7 Retirement Income Strategies Once Your Portfolio Reaches \$500k

Sponsored by Fisher Investments

5 Beaten-Down Tech Stocks That Could Explode Soon

Sponsored by The Motley Fool

What it takes to deliver true goal-based investing

Sponsored by Glenmede

140K Bonus Points—that's up to 4 Nights at most IHG® Hotels & Resorts

Sponsored by Chase IHG® Business Card

Banks Offering Over 4% Interest Savings Accounts

Sponsored by SavingsAccounts.com

[Latest](#)

[Home](#)

[Media](#)

[Videos](#)

[Pictures](#)

[Graphics](#)

[Browse](#)

[World](#)

[Business](#)

[Markets](#)

[Sustainability](#)

[Legal](#)

[Breakingviews](#)

[Technology](#)

[Investigations](#)

[Sports](#)

[Science](#)

[Lifestyle](#)

[About Reuters](#)

[About Reuters](#)

[Careers](#)

[Reuters News Agency](#)

[Brand Attribution Guidelines](#)

[Reuters Leadership](#)

[Reuters Fact Check](#)

[Reuters Diversity Report](#)

Feedback

[Stay Informed](#)[Download the App](#)[Newsletters](#)

Information you can trust

Reuters, the news and media division of Thomson Reuters, is the world's largest multimedia news provider, reaching billions of people worldwide every day. Reuters provides business, financial, national and international news to professionals via desktop terminals, the world's media organizations, industry events and directly to consumers.

Follow Us



Thomson Reuters Products

Westlaw ↗

Build the strongest argument relying on authoritative content, attorney-editor expertise, and industry defining technology.

OneSource ↗

The most comprehensive solution to manage all your complex and ever-expanding tax and compliance needs.

Checkpoint ↗

The industry leader for online information for tax, accounting and finance professionals.

LSEG Products

Workspace ↗

Access unmatched financial data, news and content in a highly-customised workflow experience on desktop, web and mobile.

Data Catalogue ↗

Browse an unrivalled portfolio of real-time and historical market data and insights from worldwide sources and experts.

World-Check ↗

Screen for heightened risk individual and entities globally to help uncover hidden risks in business relationships and human networks.

[Advertise With Us](#) ↗ [Advertising Guidelines](#) ↗ [Coupons](#) ↗ [Acquire Licensing Rights](#) ↗

All quotes delayed a minimum of 15 minutes. See here for a complete list of exchanges and delays.

[Cookies](#) ↗ [Terms of Use](#) ↗ [Privacy](#) ↗ [Digital Accessibility](#) ↗ [Corrections](#) ↗ [Site Feedback](#) ↗

© 2023 Reuters. All rights reserved

Feedback

EXHIBIT H

Learn more about [LSEG](#)

Litigation | Antitrust | Litigation | Regulatory Oversight | Litigation

Amazon loses bid to dismiss consumers' price-fixing lawsuit in US court

By Mike Scarella

September 7, 2023 4:26 PM EDT · Updated 2 months ago



Feedback

 **REUTERS®**



 My View  Following  Saved

[Follow](#)

Sept 7 (Reuters) - Amazon.com ([AMZN.O](#)) must face a prospective consumer class action in Seattle federal court accusing the online retail giant of a price-fixing scheme that has artificially inflated prices for numerous goods on its platform, a judge ruled on Thursday.

U.S. District Judge John Chun in a [24-page order](#) said the plaintiffs in the lawsuit, five residents of California and Maryland who said they regularly shop using Amazon's website, could advance their claims challenging Amazon's pricing policies.

The consumer plaintiffs, Chun wrote, "allege the type of conduct that antitrust law is intended to prevent." The ruling means the plaintiffs can pursue the merits of their claims, and Amazon will have a chance later to argue that the facts do not support any wrongdoing.

A spokesperson for Amazon and lawyers defending the company in the litigation did not immediately respond to requests for comment on Thursday.

Advertisement · Scroll to continue

An attorney for the plaintiffs, Steve Berman, said they were "thrilled by the order" and look forward to prosecuting the case.

The lawsuit is among several private and state civil [actions](#) that accuse Amazon of business practices violating either consumer protection laws or antitrust provisions.

The ruling comes as the U.S. Federal Trade Commission is [weighing](#) a lawsuit against Amazon.

The consumers' lawsuit filed in July 2022 challenged Amazon's "minimum margin agreements" with its merchandise suppliers. The plaintiffs alleged those deals have prohibited non-Amazon retailers from selling the same product elsewhere for a lower price.

Advertisement · Scroll to continue

In their motion to dismiss the case, Amazon's attorneys argued consumers lacked any power to sue over the company's agreements with its wholesale suppliers. They also defended the agreements as "lawful and procompetitive price negotiations."

Chun ruled that the consumers could proceed with the case since they bought Amazon items that had prices allegedly affected by the company's supplier deals.

The plaintiffs' complaint sufficiently alleged conduct that, if proven true, "results in reduced consumer choices and an increase in prices of products bought by consumers," Chun wrote.

Advertisement · Scroll to continue

Feedback

The plaintiffs are seeking nationwide class-action status and triple damage under U.S. antitrust law.

The case is Christopher Brown et al v. Amazon.com Inc, U.S. District Court, Western District of Washington, No. 2:22-cv-00965-JHC.

For plaintiffs: Steve Berman of Hagens Berman Sobol Shapiro; Zina Bash and Warren Postman of Keller Postman; and **Alicia Cobb**, Steig Olson and Adam Wolfson of Quinn Emanuel Urquhart & Sullivan

Advertisement · Scroll to continue

For defendant: Stephen Rummage and John Goldmark of Davis Wright Tremaine; and Karen Dunn and Bill Isaacson of Paul, Weiss, Rifkind, Wharton & Garrison

Read more:

[Amazon customers lodge class action over charges for returned goods](#)

[Apple, Amazon must face consumer lawsuit over iPhone, iPad prices, US judge rules](#)

[Amazon defeats consumer antitrust lawsuit over fulfillment centers](#)

Our Standards: [The Thomson Reuters Trust Principles](#).

Acquire Licensing Rights 

Feedback

Read Next / Editor's Picks

Sustainable Finance & Reporting

Ford, UAW reach tentative deal to end strike including record pay raise

1:12 PM UTC

Sustainability

Exclusive: Shell cuts low-carbon jobs, scales back hydrogen in overhaul by CEO

October 25, 2023

World at Work

Ford workers to return to work as UAW turns to GM, Stellantis

ago

World

US Rep Bowman charged with pulling fire alarm at Capitol

October 26, 2023



LSEG Workspace

The next-generation human interface for financial professionals.

More from Reuters

Images of September
(1:42) - September 29, 2023
[Watch more videos](#)



Images of September

01:42



Images of August

01:57



America now in prolonged state of political violence
03:55



How gold mining contaminates Amazon wildlife

Feedback

Sponsored Content

Learn how to manage data to better grow your business

Sponsored by Bank of America



What it takes to deliver true goal-based investing

Sponsored by Glenmede



Advance Your Career at Johns Hopkins Carey Business School

Sponsored by Carey Business School



Top 5 Cybersecurity Tips to Keep You Safe

Sponsored by Morgan Stanley



Tips to Maximize Your Savings Near Retirement

Sponsored by Charles Schwab



50-Year Wall Street Legend: "You Have Just Weeks To Move Your Money"

Sponsored by Chaikin Analytics



Industry Insight >

Industry Insight

Companies need to integrate climate reporting across functions to comply with California's new law

Henry Engler

October 20, 2023



Legal

Cellino, Barnes firms battle former colleagues over fees, years after split

Diana Novak Jones

September 27, 2023



Legal

US appeals judge faults probe of Federal Circuit's Pauline Newman

Andrew Goudsward

September 20, 2023



Legal

Law firm Clifford Chance posts increased revenue, stalled profits

Sara Merken

July 19, 2023



Feedback

Sponsored Content

AstraZeneca: Creating a Culture of Innovation
Sponsored by Morgan Stanley



7 Retirement Income Strategies Once Your Portfolio Reaches \$500k
Sponsored by Fisher Investments



Stand on solid foundations. Bring your Series 7 to Fidelity.
Sponsored by Fidelity Investments



AI Has More Potential Than the Internet - Here's The #1 Stock to Buy
Sponsored by Chaikin Analytics



Why Seniors Love This \$10/Month Cable & Internet Plan
Sponsored by WalletGenius



Learn how to improve cyber security best practices for your business
Sponsored by Bank of America



Sponsored Content

Banks Offering Over 4% Interest Savings Accounts
Sponsored by SavingsAccounts.com

5 Things That are Ripping Us Off Every Month
Sponsored by The Penny Hoarder

Is Now The Time To "Buy Low"? | Like Buying Amazon in 2001
Sponsored by The Motley Fool

Top 5 Cybersecurity Tips to Keep You Safe
Sponsored by Morgan Stanley

Schwab's Take on Today's Markets
Sponsored by Charles Schwab

Your investments. Your mission. Your wealth. Let's talk. Glenmede
Sponsored by Glenmede

[Latest](#)[Home](#)[Media](#) [Videos](#) [Pictures](#) [Graphics](#)[Browse](#)[World](#)[Business](#)[Markets](#)[Sustainability](#)[Legal](#)[Breakingviews](#)[Technology](#)[Investigations](#)[Sports](#)[Science](#)[Lifestyle](#)[About Reuters](#)[About Reuters](#)[Careers](#)[Reuters News Agency](#)[Brand Attribution Guidelines](#)[Reuters Leadership](#)[Reuters Fact Check](#)[Reuters Diversity Report](#)[Stay Informed](#)[Download the App](#)[Newsletters](#)[Information you can trust](#)

Reuters, the news and media division of Thomson Reuters, is the world's largest multimedia news provider, reaching billions of people worldwide every day. Reuters provides business, financial, national and international news to professionals via desktop terminals, the world's media organizations, industry events and directly to consumers.

[Follow Us](#)[Thomson Reuters Products](#)[Westlaw](#)

Build the strongest argument relying on authoritative content, attorney-editor expertise, and industry defining technology.

[Onesource](#)

The most comprehensive solution to manage all your complex and ever-expanding tax and compliance needs.

[Checkpoint](#)

The industry leader for online information for tax, accounting and finance professionals.

[LSEG Products](#)[Workspace](#)

Access unmatched financial data, news and content in a highly-customised workflow experience on desktop, web and mobile.

[Data Catalogue](#)

Browse an unrivalled portfolio of real-time and historical market data and insights from worldwide sources and experts.

[World-Check](#)

Screen for heightened risk individual and entities globally to help uncover hidden risks in business relationships and human networks.

[Advertise With Us](#)[Advertising Guidelines](#)[Coupons](#)[Acquire Licensing Rights](#)

All quotes delayed a minimum of 15 minutes. See here for a complete list of exchanges and delays.

[Feedback](#)

[Cookies](#)[Terms of Use](#)[Privacy](#)[Digital Accessibility](#)[Corrections](#)[Site Feedback](#)

© 2023 Reuters. All rights reserved

Feedback

EXHIBIT I



Andrew H. Schapiro

Partner
Chicago Office
New York Office
Direct Tel: +1 312-705-7403
andrewschapiro@quinnemanuel.com



Biography

In a career spanning three decades, Andy Schapiro has obtained precedent-setting victories for major companies and individuals in trials and appeals concerning data privacy, copyright, and a broad range of complex commercial disputes. He also has obtained numerous acquittals at trial and reversals on appeal for individuals charged with crimes. Andy's skills as an advocate have earned him recognition as a "superstar" among appellate lawyers by *Legal 500 United States* and as a repeat winner of *The American Lawyer's* "Litigator of the Week" award.

Tech and communications companies regularly turn to Andy to handle high-stakes copyright litigation. His successes include winning a milestone victory for YouTube and its parent Google as lead counsel in a billion-dollar infringement suit brought by Viacom in federal district court in New York. The court's landmark decision held that the Digital Millennium Copyright Act's "safe harbor" protects YouTube against liability for the presence of allegedly infringing videos on the site. *The Washington Post* called the win "an immense legal victory" for Google, and *The New York Times* noted the ruling's "major implications for the scores of Internet sites . . . that are largely built with content uploaded by their users." Andy recently represented Charter Communications in a series of fiercely litigated copyright suits brought by major record labels and music publishers, and he currently is defending X Corp. (formerly Twitter) against music publishers' allegations of copyright infringement stemming from users' posts on the service.

In the field of data privacy, Andy's recent successes include winning summary judgment for Google as lead counsel in *Calhoun et al. v Google*, a high-profile class action in which plaintiffs sought billions of dollars on behalf of all US Chrome users on the basis of Google's alleged misappropriation of personal

data through its third-party web services. *The Daily Journal* selected the summary judgment victory as one of the “Top Verdicts” of 2022. He is currently defending Google in a separate privacy class action brought by users of the “Incognito” browsing mode, in which he and a team from QE persuaded the court to reject the plaintiffs’ request to certify a damages class.

Andy has won victories for both plaintiffs and defendants in civil RICO suits, and obtained one of the largest jury verdicts ever reported in a New York trade-secrets case, on behalf of a global manufacturer of transportation equipment.

In criminal matters Andy’s successes include winning acquittal at trial on all counts for a NYSE Specialist Broker accused of securities fraud—a result *The Wall Street Journal* noted was the government’s “first defeat in prosecutions of allegedly improper trading activity on the New York Stock Exchange” after a string of convictions in a series of closely watched cases. The WSJ observed that after a two-week jury trial, the verdict in favor of Mr. Schapiro’s client was “quick and unanimous.” Andy has also won jury acquittals on all counts for, among others, individuals accused of bribery, conspiracy, and commercial extortion. Andy co-authored the brief that persuaded the Second Circuit to throw out the obstruction of justice conviction of well known investment banker Frank Quattrone. In the wake of that decision, in the words of *Time* magazine, “prosecutors waved a white flag” and abandoned any effort to pursue a retrial.

Andy stepped away from the firm from 2014-17 to serve as the U.S. Ambassador to the Czech Republic, after being nominated by President Obama and confirmed by a unanimous Senate. In that position he led a 240-person multi-agency post and strengthened the US relationship with this important NATO ally and trading partner. During his tenure, he advocated for and negotiated on behalf of the U.S. government and U.S. companies on a daily basis, strengthening a \$6 billion trade relationship and deepening cooperation on issues such as cyber security, education, and law enforcement.

Andy is a *magna cum laude* graduate of Harvard Law School, where he was a recipient of the Sears Prize and Articles Co-Chair of the *Harvard Law Review*. He served as a law clerk to Judge Richard A. Posner of the U.S. Court of Appeals for the Seventh Circuit and to Justice Harry A. Blackmun of the U.S. Supreme Court. He received his undergraduate degree from Yale, *magna cum laude*, and earned an M.A. from Oxford University, as a Marshall Scholar.

Notable Representations

- Argued and won important appeal for Google in the U.S. Court of Appeals for the Ninth Circuit in long-running copyright dispute with company that claimed Google infringed the copyrights in

thousands of images. The Ninth Circuit upheld a lower court's decision not to grant a preliminary injunction against Google, and in a precedent-setting ruling reversed its longstanding rule that a plaintiff alleging copyright infringement can automatically satisfy the "irreparable harm" requirement merely by showing likelihood of success on the merits. (*Perfect 10 v. Google*, 9th Cir.)

- Won jury verdict for global manufacturer of transportation equipment as co-counsel in federal trial concerning misappropriation of client's trade secrets. The jury's award, which represented the full amount sought, is one of the largest ever reported in a New York trade-secrets case. (*Faiveley v. Wabtec*, S.D.N.Y.)
- Lead counsel for Cablevision in federal lawsuit brought by programmers seeking to enjoin Cablevision from offering its subscribers an application that it had developed for the iPad. *The Wall Street Journal* called the dispute, which involved both contractual and copyright claims, "a public war over who will control video piped into American living rooms." The parties reached a mutually satisfactory settlement. (*Viacom v. Cablevision*, S.D.N.Y.)
- Argued and won significant appeal in the First Circuit U.S. Court of Appeals for Las Vegas Sands Corporation CEO Sheldon Adelson. The court's unanimous decision rejected the claims of a former business partner in a billion-dollar dispute over ownership of the Venetian Macao hotel and casino resort. (*Adelson v. Hananel*, 1st Cir.)
- Won summary judgment as lead counsel for YouTube and its parent Google in a billion-dollar copyright infringement suit brought by Viacom in federal district court in New York. The court's landmark decision held that the Digital Millennium Copyright Act's "safe harbor" protects YouTube against liability for the presence of allegedly infringing videos on the site. *The Washington Post* called the win "an immense legal victory" for Google, and *The New York Times* observed that "the ruling in the closely watched case could have major implications for the scores of Internet sites" that rely on user-generated content. (*Viacom et al. v. Google et al.*, S.D.N.Y.)
- Represented Bernard Kerik, the former Police Commissioner of New York City, in his appeal before the United States Court of Appeals for the Second Circuit. (*U.S. v. Kerik*, 2nd Cir.)
- Won acquittal on all counts for NYSE Specialist Broker accused of securities fraud as lead counsel in two-week jury trial. *The Wall Street Journal* noted that the victory was the government's "first defeat in prosecutions of allegedly improper trading activity on the New York Stock Exchange," and observed that the jury's verdict in favor of Mr. Schapiro's client was "quick and unanimous." (*U.S. v. Scavone*, S.D.N.Y.)
- Argued and won important appeal in New York's highest court establishing that a plaintiff cannot prove negligent design in a products liability case without showing that the proposed safer alternative would have been acceptable to consumers. (*Adamo v. Brown & Williamson*, N.Y. Court of Appeals)
- Co-authored the brief that persuaded the Second Circuit to throw out the obstruction of justice conviction of well known investment banker Frank Quattrone. In the wake of that decision, in the

words of *Time* magazine, “prosecutors waved a white flag” and abandoned any effort to pursue a retrial. (*U.S. v. Quattrone*, 2nd Cir.)

- Co-authored successful certiorari petition and winning merits briefs in landmark Supreme Court case establishing new limits on punitive damages. (*Philip Morris USA v. Williams*, U.S. Supreme Court)
- Won reversal of highly publicized murder conviction, pro bono, after demonstrating significant prosecutorial and police misconduct. (*People v. DiGuglielmo*, Westchester County)
- Co-authored winning appellate brief for business owner convicted of wire fraud and tax fraud in connection with sales of industrial chemicals. (*U.S. v. Shellef*, 2d Cir.)
- Co-authored merits brief for the New York Board of Trade in Supreme Court case about the limits of standing to sue under the Commodities Exchange Act; case dismissed pursuant to Rule 46.1. (*Klein & Co. Futures, Inc. v. Board of Trade of the City of New York*, U.S. Supreme Court)
- Argued and won appeal for attorney convicted of fraud, resulting in vacatur of sentence and release of client. (*U.S. v. Conley*, 5th Cir.)
- Represented the American Bar Association as amicus curiae in the U.S. Supreme Court’s landmark case banning execution of people with mental retardation. (*Atkins v. Virginia*, U.S. Supreme Court)
- Won acquittal on all counts for businessman charged with attempting to extort millions of dollars from a large financial institution. (*U.S. v. Greer*, S.D.N.Y.)
- Won acquittal on all counts for business owner charged with violating federal bribery statutes in connection with school construction contracts. (*U.S. v. Lech*, S.D.N.Y.)

Practice Areas

- Appellate Practice
- Intellectual Property Litigation
- Investigations, Government Enforcement & White Collar Criminal Defense Practice
- Entertainment and Media Litigation
- Product Liability and Mass Torts Litigation
- Class Action Litigation
- Copyright Litigation
- Cannabis Litigation
- Data Privacy & Security

Education

Harvard Law School

(J.D., *magna cum laude*, 1990)

Harvard Law Review:

Co-Chair, Articles Office

Recipient, Sears Prize

Oxford University

(M.A., Philosophy, Politics, and Economics, 1987)

Marshall Scholar

Yale University

(B.A., *magna cum laude*, *Phi Beta Kappa*, 1985)

Admissions

- The State Bar of Illinois
- The State Bar of New York
- United States Supreme Court
- United States Courts of Appeals:

First Circuit

Second Circuit

Fifth Circuit

Ninth Circuit

Tenth Circuit

Federal Circuit

- United States District Courts:

Northern District of Illinois

Southern District of New York

Eastern District of New York

Prior Associations

U.S. Department of State:

United States Ambassador to the Czech Republic, 2014-2017

Quinn Emanuel Urquhart & Sullivan, LLP:

Partner, 2011-2014

Mayer Brown LLP:

Partner, 2001-2011

Associate, 1998-2000

Federal Defenders' Office for the Southern District of New York:

Trial Attorney, 1993-1998

Law Clerk to the Hon. Richard A. Posner:

United States Court of Appeals for the Seventh Circuit, 1991-1992

Law Clerk to the Harry A. Blackmun:

United States Supreme Court, 1992-1993

Awards

Named "Litigator of the Week" by *The AmLaw Litigation Daily* (June 24, 2010 and April 25, 2013).

Ranked in the *Legal 500 USA* as one of the country's leading appellate lawyers.

Selected for inclusion in the *Best Lawyers in America* in appellate practice, 2023-2024

Selected as a New York "Super Lawyer" each year since the list's inception.

Publications and Lectures

Firm Memorandum: Title III Suits Under The Helms-Burton Act - A Primer, (May 2019).

Firm Memorandum: Illinois Supreme Court Opens the Floodgates to Biometric Information Privacy Act Suits (February 2019).

"Discretionary Interlocutory Appeals and Mandamus," and "Criminal Appeals," *Federal Appellate Practice*, BNA Books, 2008.

"Serving Two Masters: When is Joint Representation of a Corporation and its Employees Permissible?", *New York Law Journal*, July, 18, 2005.

"Supreme Court Practice" (Chapter in *A Defense Lawyer's Guide To Appellate Practice* (2004)) (with A. Frey).

"Second Circuit Review Before Final Judgment" *New York Law Journal*, August 23, 2004.

"Federal Grand Jury Investigating A Corporate Client? Counsel Wisely," *New York Law Journal*, March 29, 2004 (with S. Chesin).

"Guideline Developments in the Second Circuit: A Willingness to Make law," 7 *Fed. Sent. R.* 230 (1995).

Note, "The Disenfranchisement of Ex-Felons: Citizenship, Criminality, and The Purity of the Ballot Box," 102 *Harv. L. Rev.* 1300 (1989).

Professional Activities

Member, Second Circuit CJA Advisory Committee

Member, Board of Directors, Federal Defenders of New York, 2006-2011

EXHIBIT J



Adam B. Wolfson

Partner
San Francisco Office
Los Angeles Office
Direct Tel: +1 213-443-3084
adamwolfson@quinnmanuel.com



Biography

Adam Wolfson is a partner in Quinn Emanuel's San Francisco and Los Angeles offices whose practice focuses on both plaintiff and defense-side representations in high-stakes complex commercial and intellectual property disputes. Adam has extensive experience in all types of complex litigation, with a particular focus in cases involving antitrust law, products liability, class actions, unfair competition, trade secret misappropriation, and patent and copyright infringement. To date, he has helped our clients obtain more than \$14 billion in recoveries, stemming from both trial verdicts and settlements. On the defense side, he has helped our clients avoid liability for multiples of that number.

Adam currently serves on the Board of Visitors for UCLA's Political Science Department and regularly publishes on issues related to trial practice and the areas of law in which he practices. He has been named both a Rising Star and MVP in class actions by national legal journal Law360, a Future Star by Benchmark Litigation, one of the top 500 plaintiffs' attorneys in the nation by Lawdragon 500, and was named by Legal 500 USA as a Recommended Lawyer in the Antitrust Litigation category.

Representative Clients

- Bolt Financial
- Cisco
- Daimler
- Express Scripts
- General Motors

- Google
- HTC
- IBM
- Intuit
- KB Home
- Qualcomm
- Samsung Electronics
- ViaSat

Notable Representations

- Obtained \$5.3 billion in final judgments—representing 100% of the plaintiffs' damages—against the federal government due to its failure to make “risk corridor” and “cost sharing reduction” payments to three separate certified classes of Affordable Care Act health insurers.
- Served on the plaintiffs’ Executive Committee in *In re Combat Arms Earplug Product Liability Litigation*, MDL No. 2885, in which the plaintiffs, service members from all branches of the U.S. Armed Forces, sued to recover for damages they suffered from the use of defective earplugs 3M sold to the USAF for over a decade. In that role, Adam tried three bellwether cases to verdict (winning each one) and, through his contributions, helped secure a \$6 billion settlement for all affected veterans.
- Represented Solutia Inc. in an action for specific performance of a \$2 billion bankruptcy exit financing facility, which the banks had refused to fund based on a market MAC provision; case settled favorably before closing arguments.
- Obtained, on behalf of Daimler AG and several of its subsidiaries, complete dismissal of a putative class action alleging that Daimler and the other major German auto manufacturers conspired to reduce innovation in their vehicles and caused purchasers billions of dollars in damages.
- Obtained, on behalf of Trafigura Trading and related entities, complete dismissal of multi-billion dollar antitrust, RICO, tort, and contract claims asserted by a purported litigation trust for conduct allegedly arising in the Venezuelan energy industry.
- Obtained over \$430 million in settlements on behalf of a certified nationwide class of direct purchasers of flexible polyurethane foam for damages caused by a price-fixing cartel of the nation’s largest foam manufacturers.
- Prevailed at trial and obtained a \$283 million jury verdict on behalf of ViaSat Inc. in a patent infringement and breach of contract dispute against a satellite manufacturer accused of stealing and copying ViaSat’s innovative designs.
- Obtained summary judgment for Haymon Sports and its CEO, Alan Haymon, the most prominent boxing manager in the sport today, in a \$300 million antitrust lawsuit brought by Oscar De La

Hoya and his Golden Boy promotion companies.

- On behalf of a company called Songkick, sued Ticketmaster and Live Nation for antitrust violations in the artist presale ticketing services market. After completing fact and expert discovery, defeated the defendants' summary judgment motion in its entirety (which no antitrust plaintiff had previously been able to accomplish against Ticketmaster) and subsequently resolved the case two weeks before trial with a \$110 million settlement payment and acquisition of Songkick's assets for a confidential amount.
- Currently representing a certified class of consumers against Visa, Mastercard, and several major banks for their collusion over creating and maintaining rules aimed at elevating ATM access fees to anticompetitive levels.
- Currently representing a heart health technology company, AliveCor, Inc., in its antitrust lawsuit regarding Apple's anticompetitive acts to copy and then exclude AliveCor's groundbreaking heart rhythm analysis software from the Apple Watch
- Currently representing a putative class of consumers against Amazon regarding its anticompetitive platform most-favored nations practices, which served to elevate consumer prices by maintaining Amazon's commissions at supracompetitive levels.
- Prevailed at trial and obtained rare Walker Process antitrust fraud verdict and trebled attorneys' fees as damages against 3M Company on behalf of TransWeb, LLC.
- Obtained confidential settlement on behalf of the Winklevoss twins against Facebook Inc. in connection with the dispute that was later made into the movie, *The Social Network*.
- Obtained summary judgment for IBM in connection with claims brought by T3 Technologies Inc. for alleged antitrust violations related to mainframe technology.
- Obtained full dismissal of all claims against Brazilian banking client in connection with dispute over breach of interest rate swaps.
- Obtained confidential settlements on behalf of investment funds that were defrauded into purchasing debt and bonds for failed beverage company, Le Nature's Inc.
- Defended and obtained confidential settlement on behalf of American Realty Capital and certain of its subsidiaries and affiliates in connection with allegations that ARC misappropriated one of its competitor's trade secrets.

Practice Areas

- Antitrust and Competition
- Class Action Litigation
- Intellectual Property Litigation
- Investment Fund Litigation
- Litigation Representing Plaintiffs
- Satellite and Aerospace Litigation

- Securities Litigation
- Patent Litigation
- Trade Secret Litigation
- Life Science: Pharmaceutical Antitrust Litigation
- Artificial Intelligence

Education

University of Michigan Law School

(J.D., *cum laude*, 2005)

Michigan Law Review:

Associate Editor

University of California, Los Angeles

(B.A., Political Science, *cum laude*, 2001)

Admissions

- The State Bar of New York
- The State Bar of California
- United States District Courts:
 - Southern District of New York
 - Eastern District of New York
 - Central District of California
 - Northern District of California
 - Southern District of California
 - Northern District of Illinois
- United States Court of Federal Claims
- United States Court of Appeals
 - Federal Circuit
 - Ninth Circuit

Awards

Ranked by Legal 500 USA, Antitrust: Civil Litigation/Class Actions: Defense, Plaintiff “Recommended Lawyers”, 2023

Ranked by Lawdragon 500 Leading Plaintiff Financial Lawyers Guide in Commercial & IP Litigation, 2023

Named a Law360 MVP in Class Action, 2022.

Named a Recommended Lawyer in the Antitrust Litigation category by Legal 500 USA, 2018, 2022

Named one of Lawdragon 500 Leading Plaintiff Financial Lawyers, 2019-2021

Named a Rising Star in the field of class action law by national legal journal Law360, 2019

Selected as a SuperLawyer Rising Star, 2017-2020

Selected as a "New York Metro" SuperLawyer Rising Star, 2016

Publications and Lectures

"The State of Mind Exception: A (Potential) Path to Proving Customer or Profit Loss Due to Anticompetitive Conduct," *Trying Antitrust*, Summer 2019

"Taking Depositions with Trial Attendance in Mind," *Trying Antitrust*, Spring 2016

"Analysis: Trolls take on white hats – keep watching," *Global Competition Review USA*, Feb. 27, 2014

Note, "Electronic Fingerprints": Doing Away With the Conception of Computer-Generated Records as Hearsay, 104 Mich. L. Rev. 151 (2005)

Professional Activities

Board of Advisers, UCLA Political Science Department

Member, Association of Business Trial Lawyers

EXHIBIT K



Justin C. Griffin

Partner
Los Angeles Office
Direct Tel: +1 213-443-3621
justingriffin@quinnemanuel.com



Biography

Justin C. Griffin is Co-Managing Partner of Quinn Emanuel's Los Angeles Office. His practice focuses on complex commercial litigation in U.S. federal courts, state courts, and domestic and international arbitration. He has litigated cases in nearly every major practice area of the firm and has extensive experience in disputes involving antitrust, trade secret and employee mobility, patent, fraud and breach of contract, class action, and product liability issues.

Mr. Griffin represents both plaintiffs and defendants and has litigated, and tried, cases in state and federal courts throughout the country before both judges and juries. Whether representing a Fortune 500 company, an investment fund, or an individual, his practice focuses on solving his clients' most difficult legal challenges.

Mr. Griffin has been named by *Lawdragon* as one of the country's Leading Plaintiff Financial Lawyers every year since 2020 and was recognized as a Southern California "Rising Star" by *Super Lawyers Magazine* multiple times. Before law school, Justin played professional baseball in the Cleveland Guardians' (formerly Indians) organization.

Representative Clients

- Aon
- FitzWalter Capital Partners
- Hyundai Motor America
- Kia America, Inc.

- Match.com
- Twitter, Inc.
- Vitol, Inc.

Notable Representations

- Defending Vitol in a dispute brought by the California Attorney General's office, and a follow-on class action brought by a group of private plaintiffs, alleging antitrust violations under the Cartwright Act.
- Defending Hyundai and Kia in a series of cases brought by cities alleging public nuisance based on the purported impact to their municipalities of a social media driven wave of thefts of certain vehicle models.
- Defending an Aon entity in a putative nationwide class action asserting claims under state deceptive practice statutes for alleged deception of consumers regarding the bases for pet health insurance premium increases.
- Defending Twitter in a number of copyright matters.
- Represented tens of thousands of DoorDash drivers in arbitrations against DoorDash relating to the company's misclassification of drivers as independent contractors. The parties reached a settlement.
- Represented tens of thousand of Amazon Alexa owners and users in arbitrations and both federal and state court litigation against Amazon relating to the company's practice of recording the voices of Alexa users without consent. The parties reached a settlement.
- Defended Match.com, and its affiliated sites, in a mass arbitration campaign relating to alleged violation of the Illinois Biometric Information Privacy Act.
- Represented Qualcomm in the Central District of California in a patent infringement dispute involving semiconductor memory devices, specifically sense amplifiers. Obtained a dismissal with prejudice after claim construction.
- Retained by eBay in a long-running dispute with craigslist, arising out of eBay's 2004 acquisition of a 28.4% equity interest in craigslist. Months after we appeared in the case, the parties reached a confidential settlement, under which craigslist repurchased all of eBay's equity and all litigation between the parties was dismissed.
- Represented Nestlé USA, Inc. and Nestlé Dreyer's Ice Cream Company in an antitrust action involving an alleged conspiracy to exclude competition in a claimed market for "better for you" ice cream. Obtained summary judgment.
- Represented Pfizer in litigations involving several of its prescription medications.
- Represented DIRECTV in an antitrust action brought by a former retailer under the Cartwright Act. Obtained summary judgment.

- Represented Qualcomm in a patent infringement action involving RF signal processing technology. Obtained a stipulated judgment of noninfringement after claim construction.
- Represented DIRECTV as the claimant in multiple arbitrations against former retailers involving fraud and breach of contract claims. Each arbitration resulted in a multi-million dollar verdict in DIRECTV's favor.
- Represented Penn National Gaming in a section 1983 civil rights lawsuit against a municipality in Ohio. Obtained very favorable 8 figure settlement for Penn National Gaming on eve of preliminary injunction hearing.
- Represented a global telecommunications company in a multi-billion dollar worldwide patent and contract dispute concerning intellectual property in mobile telephones. The related matters included actions in Delaware, Wisconsin, Texas, and the International Trade Commission. The ITC action resulted in a final determination of no section 337 violation in favor of our client. The remaining matters were settled globally.
- Represented Epson in a case alleging patent infringement by Epson printers. The case, which was venued in the Eastern District of Texas, settled shortly after we filed our claim construction brief.

Practice Areas

- Antitrust and Competition
- Class Action Litigation
- Domestic U.S. Arbitration
- Intellectual Property Litigation
- Litigation Representing Plaintiffs
- Patent Litigation
- Investment Fund Litigation
- Construction Litigation
- International Trade Commission Proceedings
- Blockchain and Digital Asset Practice

Education

Stanford Law School

(J.D., 2004)

Princeton University, School of Public and International Affairs (formerly the Woodrow Wilson School)

(A.B., 1998)

Admissions

- The State Bar of California
- United States Court of Appeals:
 - Federal Circuit
- United States District Courts:
 - Central District of California
 - Northern District of California
 - Southern District of California

Awards

Selected to *Lawdragon 500 Leading Litigators in America – Complex Commercial Litigation*, 2024

Selected to the *Lawdragon 500 Leading Plaintiff Lawyers* guide (2020 - 2023)

Selected as a "Southern California Rising Star" by *Super Lawyers Magazine* (2014-2016)

EXHIBIT L



Alicia Cobb

Partner
Seattle Office
Direct Tel: +1 206-905-7002
Direct Fax: +1 (206) 905-7100
aliciacobbs@quinnemanuel.com



Biography

Alicia Cobb is Co-Managing Partner of Quinn Emanuel's Seattle office. Her practice focuses on complex commercial litigation, with particular experience in antitrust and class action litigation in New York, Washington state, and Washington, D.C. Alicia litigates cases in a variety of industries on both sides of the "v.", representing corporate plaintiffs and defendants, consumer classes and individual opt-out clients.

Prior to joining the firm, Alicia was a clerk for the Honorable Edward R. Korman of the U.S. District Court for the Eastern District of New York.

Notable Representations

- Represents merchant in an antitrust lawsuit against Visa and Mastercard concerning allegedly unlawful practices that caused U.S. merchants to pay inflated fees when accepting credit and debit cards.
- Represents an insurance agent defending against claims brought on behalf of a putative nationwide class of policyholders.
- Represents numerous companies in claims against the four major U.S. freight railroads for violating the federal antitrust laws by colluding to use fuel surcharges to impose inflated rail freight rates.

- Serving on the plaintiffs' executive committee in a proposed consumer class action alleging that Amazon engaged in anticompetitive conduct as to its third-party merchants leading to inflated prices on consumers' retail purchases.
- Represents video game publisher in a proposed class action alleging that Valve Corporation engaged in anticompetitive practices with respect to its Steam video game platform and store leading to inflated prices and commissions on sales of video games.

Practice Areas

- Antitrust and Competition
- Class Action Litigation
- Litigation Representing Plaintiffs

Education

Lewis and Clark Law School

(J.D., *summa cum laude*, 2008)

Lewis and Clark Law Review:

Articles Editor

Occidental College

(B.A., *magna cum laude with Honors and Distinction*, History, May 2004)

Phi Beta Kappa

Admissions

- The Washington State Bar
- The State Bar of New York
- United States District Courts:
 - Eastern District of New York
 - Southern District of New York
 - Western District of Washington

Prior Associations

Law Clerk to the Honorable Edward R. Korman:

United States District Court for the Eastern District of New York, 2008-2009

Publications and Lectures

"After a Cyber Breach, What Laws Are in Play and Who Is Enforcing Them?," *The Cybersecurity Law Report*, Vol. 1, No. 4 (2015).

EXHIBIT M



Portfolio Media. Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

FTC's Antitrust Case Against Amazon Has Company

By **Matthew Perlman**

Law360 (October 6, 2023, 7:40 PM EDT) -- The Federal Trade Commission lodged a landmark antitrust case against Amazon late last month, accusing the e-commerce giant of driving up prices across the internet through its treatment of sellers on its platform, but several pending suits were already targeting some of the allegations.

The FTC filed its suit on Sept. 26 alongside a contingent of 17 states in the Western District of Washington, accusing Amazon of **violating antitrust law** through policies that punish sellers for offering lower prices elsewhere and requirements that allegedly force merchants to use Amazon's logistics services.

With the complaint, enforcers also filed a pair of notices listing several cases and enforcement actions that were previously pending in courts across the country implicating some of the same policies — some of which have already seen significant developments.

Here, Law360 looks at the Amazon cases that beat the FTC to court.

Related Cases

The FTC case has been assigned to U.S. District Judge John H. Chun, following a **recusal** by U.S. District Judge John C. Coughenour, and the notice of related cases prompted the court to reassign three consumer suits against Amazon to Judge Chun as well.

The cases are not consolidated and do not overlap entirely, but the commission said in its notice there would be a risk of duplicated expenses or the potential for conflicting results if the cases were to proceed before different judges.

The first consumer case, **filed in March 2020**, targets Amazon's pricing policies and alleges the company regularly monitors online prices and penalizes sellers that offer products at a lower price on competing sites. The proposed class contends the practice causes online retail prices in general to increase and seeks to recover alleged overcharges for purchases made on sites other than Amazon.

The suit initially included claims under California's antitrust law, the Cartwright Act, and for monopolization under Section 2 of the Sherman Act, as well as for Section 1, which bars unreasonable agreements to restrain trade.

U.S. District Judge Richard A. Jones declined for a second time in March to toss the **bulk of the case**, trimming one of the Section 1 claims and the claim under the Cartwright Act, but allowing the rest to move ahead.

The court rejected Amazon's contentions that the consumers lack standing since they allege the sellers are co-conspirators but trimmed claims alleging the seller agreements are per se violations, meaning they would be considered illegal without further analysis.

The case was later reassigned to U.S. District Judge Ricardo S. Martinez before being sent to Judge Chun.

The case is Frame-Wilson et al. v. Amazon.com Inc., case number 2:20-cv-00424, in the U.S. District Court for the Western District of Washington.

Judge Chun has also been assigned a proposed class action from Amazon consumers filed in May 2021 targeting the pricing policies under Sections 1 and 2 of the Sherman Act. That case also alleges the policies cause increased prices across the internet but looks to recover for purchases made on Amazon.

Judge Martinez **refused to toss** that case in January while trimming the per se Section 1 claim. That ruling rejected contentions from Amazon that the policies are legal as a matter of law because they result in competitive prices for consumers and arguments that no court has ever condemned similar policies.

The case is De Coster et al. v. Amazon.com Inc., case number 2:21-cv-00693, in the U.S. District Court for the Western District of Washington.

A case from consumers targeting the requirements for sellers to use Amazon's fulfillment services is also now in front of Judge Chun. Filed in July 2021, **that case** accuses Amazon of violating antitrust law by requiring sellers to use its fulfillment service to gain access to the "Buy Box" feature, where it says 90% of Amazon sales are made.

Judge Martinez was overseeing that case as well and **dismissed the suit** in April, finding the consumers lacked standing because they do not purchase the fulfillment services at the heart of the case, since sellers are the ones paying for the service.

Consumers have since filed an amended complaint, still bringing claims under Sections 1 and 2 of the Sherman Act, and **argued on Oct. 2** that they purchase the fulfillment services because they pay for shipping, whether it's included in the product prices or through their Prime membership fees.

The case is Angela Hogan et al. v. Amazon.com Inc., case number 2:21-cv-00996, in the U.S. District Court for the Western District of Washington.

Enforcer Actions

The FTC said in a separate notice that several actions pending in other jurisdictions also raise some of the same issues as its case, but said they are being brought under various local laws, so coordination would not be helpful.

The cases include an **enforcement action** from the D.C. attorney general's office filed in May 2021 targeting the pricing policies, alleging Amazon violates district codes barring restraints on trade and monopolization that are similar to the Sherman Act's prohibitions.

D.C. Superior Court Judge Hiram Puig-Lugo **tossed the case** from the bench after finding there was a lack of evidence showing that Amazon's policies lead to higher prices, pointing to contract language he said merely prohibited merchants from setting "significantly higher" prices on Amazon than they offer elsewhere.

The judge later denied a motion for **reconsideration** that had the **backing** of federal enforcers at the U.S. Department of Justice.

The attorney general's office has **appealed**, arguing that the lower court applied too high a standard to the claims and should have allowed the case to move forward after finding there was an agreement preventing sellers from selling their products cheaper elsewhere.

The U.S. Chamber of Commerce and the D.C. Chamber of Commerce, have argued, however, that enforcers are asking the court to accept a lower pleading standard that would turn the district's courts into a "**hotbed**" for weak antitrust suits.

The case is District of Columbia v. Amazon.com Inc., case number 22-CV-0657, in the District of Columbia Court of Appeals.

California's Attorney General's Office accused Amazon in September 2021 of violating the Cartwright Act and the state's Unfair Competition Law through its **pricing policies** for third-party sellers and the suppliers of Amazon's own products.

According to that suit, the policies preventing the sale of products cheaper elsewhere create artificial price floors that cause harm to competitors, third-party sellers, wholesale suppliers and consumers.

In March, Superior Court Judge Ethan P. Schulman overruled Amazon's **objection to the complaint**, following through with comments **during a hearing** over the motion — that "one way or the other, this case is going forward."

The judge also largely overruled the state's objections to Amazon's cross-complaint in the suit that seeks an order declaring that its policies are lawful.

The case is California v. Amazon.com Inc., case number CGC-22-601826, in the Superior Court of the State of California, County of San Francisco.

Other Cases

The commission also flagged a case in the Southern District of New York brought by consumers from various states under state antitrust and consumer protection laws targeting an explicit policy they said Amazon had in place until March 2019 restricting sellers from offering cheaper prices elsewhere.

Filed in November 2022, the suit seeks to recover overcharges for purchases on platforms other than Amazon made prior to the change. A motion to dismiss remains pending before U.S. District Judge Vernon S. Broderick in that case.

The case is Mbadiwe et al. v. Amazon.com Inc., case number 1:22-cv-09542, in the U.S. District Court for the Southern District of New York.

Amazon has also had to contend with a pair of cases in New York federal court not mentioned by the FTC in its notice that focus on sales of physical and electronic books, an issue that has **sparked concerns** from booksellers, authors and anti-monopoly advocates alike.

The claims over physical books were ultimately dismissed and the viability of the e-book claims is still to be decided.

Amazon was accused in both cases of monopolization and of conspiring with the five major publishing companies — HarperCollins Publishers, Hachette Book Group, Penguin Random House, Simon & Schuster and Macmillan — to artificially inflate prices.

The proposed class action from a bookstore filed in March 2021 accuses Amazon of monopolizing retail book sales and working with the publishers to inflate the price of print books. U.S. District Judge Gregory H. Woods in August **dismissed** the claims against Amazon and the publishers in their entirety.

The dismissal, which was with prejudice, came after the store declined to object to U.S. Magistrate Judge Valerie Figueredo's

recommendation, finding that the case failed to explain why the lower wholesale prices Amazon pays are not just the result of different contract terms.

The case is Bookends & Beginnings LLC v. Amazon.com Inc. et al., case number 1:21-cv-02584, in the U.S. District Court for the Southern District of New York.

Judge Figueredo issued a **recommendation** in late July in the e-books case, calling for the claims against Amazon to survive, while saying the publishers should escape the allegations against them.

The e-book buyers' suit, **initially filed** in January 2021, accuses Amazon of scheming with the publishers to adopt restrictive distribution contracts to prevent the publishers from selling digital books for lower prices on other platforms.

There, the judge cited a lack of evidence showing the publishers conspired with each other but found the claims for monopolization against Amazon should be able to move ahead since the complaint alleges Amazon is using the contracts to reduce competition.

Judge Woods is overseeing the e-books case as well and previously adopted Judge Figueredo's recommendation that a prior version be **dismissed** in its entirety last year. The sides are still briefing the latest recommendation.

The case is In re: Amazon.com eBook Antitrust Litigation, case number 1:21-cv-00351, in the U.S. District Court for the Southern District of New York.

Also not mentioned in the FTC's notice is a case before Judge Chun in Washington focused on Amazon's contracts with suppliers of its retail business, which consumers allege block others from charging less for the same products.

Judge Chun rejected Amazon's **motion to dismiss** that case in September, after finding the consumers had done enough at that stage to illustrate how the contracts result in fewer options and higher prices.

The case is Christopher Brown et al. v. Amazon.com Inc., case number 2:22-cv-00965, in the U.S. District Court for the Western District of Washington.

--Editing by Jay Jackson Jr.

EXHIBIT N



Portfolio Media. Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Antitrust Claims Against Gaming Giant Valve Survive Scrutiny

By **Bryan Koenig**

Law360 (May 9, 2022, 8:23 PM EDT) -- Game developer Wolfire provided the "needed context" to press forward with what it calls the most important half of a proposed antitrust class action against online gaming giant Valve, a Seattle federal judge said, crediting core parts of the allegations over Valve's 30% commission.

After previously rejecting Wolfire Games LLC's entire complaint, this time around U.S. District Judge John C. Coughenour tossed only its claims accusing Valve of anti-competitively "tying" the store and platform of its hugely popular Steam.

Importantly, Judge Coughenour on Friday refused to toss claims from the second amended consolidated class action complaint, or SAC, alleging Valve forces developers to comply with "most-favored nations" provisions. Those measures prevent developers that sell games on the Steam gaming platform from offering better prices elsewhere and threaten punishment for noncompliance. They allegedly give Valve the leverage it needs to force developers to assent to the 30% commission.

When dismissing a consolidated amended class action complaint, or CAC, **in November 2021**, Judge Coughenour said Valve had charged that same rate since long before it achieved market dominance around 2013. Relying on a 2013 Ninth Circuit ruling in *Somers v. Apple* , the judge said he'd previously concluded that allegations of supracompetitive rates don't hold water if the same rates were charged when the defendant lacked market power.

The second amended complaint, however, "provides needed context" showing Somers does not apply here, the **new ruling** said.

"Defendant acquired the World Opponent Network gaming platform in 2001 and shut it down a few years later, forcing gamers onto the Steam platform, making Steam 'instantly ... a must-have platform.' ... This denotes market power earlier on than described in the CAC," the judge said Friday.

"And while both complaints indicate that, in those early days, defendant was competing against brick-and-mortar game distributors, the SAC makes it clear that defendant did not need market power to charge a fee well above its cost structure because those brick-and-mortar competitors had a far higher cost structure," he continued.

Wolfire's attorneys at Constantine Cannon LLP celebrated the ruling as allowing the core of the company's case to proceed to discovery: "Our client is pleased by the judge's ruling. Valve's conduct has harmed developers, consumers and innovation. We look forward to redressing that harm and creating a more vibrant, competitive marketplace for PC gaming and game distribution."

Counsel for Valve did not immediately respond Monday to a press inquiry.

Wolfire, along with consumer plaintiffs, allege Valve has violated antitrust law by maintaining a wall around its platform in order to

demand otherwise unsupportable rates. While the consumers are still on Wolfire's complaint, they've largely been sidelined after Judge Coughenour forced them **to take their claims to arbitration** rather than proceed alongside Wolfire.

Monopolization complaints against closed digital ecosystems like the Steam platform have become **a subgenre** for the antitrust bar. Sony Interactive Entertainment LLC, the company behind the PlayStation, is battling similar allegations.

The suits against Sony and Valve both appear inspired, at least in part, by Epic Games Inc.'s challenge of Apple Inc.'s absolute control over Apple's App Store. A September ruling largely in Apple's favor sent mixed signals about the prospect of such litigation, although that decision is **being appealed**.

In the Wolfire case, Judge Coughenour on Friday said the developer had adequately alleged that the most-favored nations language amounted to anti-competitive conduct.

"Defendant allegedly enforces this regime through a combination of written and unwritten rules," he said. "According to the SAC, defendant relies on provisions within Steamworks documentation to impose conditions on how non-Steam-enabled games are sold and priced."

"Defendant also threatens game publishers with punitive action, including removal of their Steam-enabled games, if they sell non-Steam-enabled versions of those games at lower prices," the judge wrote. "For example, a Steam account manager informed plaintiff Wolfire that 'it would delist any games available for sale at a lower price elsewhere, whether or not using Steam keys.'"

Judge Coughenour said, however, that Wolfire hadn't managed to make a case for its first four counts of the eight-count complaint, which are based on assertions that Valve forced developers who want their games hosted on the must-have Steam platform to also sell their games through the Steam store.

The problem is that illegal tying claims require separate markets, with an offender leveraging dominance in one market to force sales in another. But Judge Coughenour held once again that the two markets asserted here are one, which also means he tossed the part of count seven, for unreasonable restraint of trade, that asserts an illegal tying claim. This time around, the judge tossed the claims without leave to amend, saying in a footnote, "it appears clear to the court that further amendment would be futile."

According to the eight-page ruling, "commercial realities" undercut the assertions of separate markets, made out in part by Wolfire arguments that a would-be platform competitor would have to get publishers and gamers to abandon all of Steam's features, including social networking and game tracking.

"But plaintiffs' facts go on to show that commercial viability for a platform is possible only when it generates revenue from a linked game store," the judge said. "Plaintiffs do not allege that any game platform charges a direct fee for its use."

Wolfire is represented by David D. Golden, Wyatt Fore, A. Owen Glist, Ankur Kapoor and Jeffrey I. Shinder of Constantine Cannon LLP.

The consumer plaintiffs are represented by Thomas N. McCormick, Kenneth J. Rubin, Timothy B. McGranor and Kara M. Mundy of Vorys Sater Seymour and Pease LLP, and Alicia Cobb, Steig D. Olson, David D. LeRay, Shane Seppinni, Adam B. Wolfson and Charles B. Stevens of Quinn Emanuel Urquhart & Sullivan LLP.

Valve is represented by Gavin W. Skok and Kristen W. Broz of Fox Rothschild LLP, and Charles B. Casper of Montgomery McCracken Walker & Rhoads LLP.

The case is Wolfire Games LLC et al. v. Valve Corp., case number 2:21-cv-00563, in the U.S. District Court for the Western District of Washington.

--Editing by Kristen Becker.

CERTIFICATE OF SERVICE

I, Alicia Cobb, hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record via the ECF system.

DATED this 27th day of November, 2023.

/s/ Alicia Cobb
Alicia Cobb, WSBA #48685
QUINN EMANUEL
URQUHART & SULLIVAN, LLP
1109 First Avenue, Suite 210
Seattle, WA 98101
Tel.: 206.905.7075
Fax: 206.905.7100
aliciacobbs@quinnemanuel.com